

Fiscal Year 2006

MARYLAND JUDICIARY

Administrative Office of the Courts

Department of Family Administration

annual report

**of the Maryland Circuit Court
Family Divisions and
Family Services Programs**

Family Divisions & Family Services Programs ANNUAL REPORT

ADMINISTRATIVE OFFICE OF THE COURTS
DEPARTMENT OF FAMILY ADMINISTRATION
580 Taylor Avenue, 2nd floor
Annapolis, Maryland 21401
410-260-1580
FAX: 410-974-5577
www.mdcourts.gov/family

ROBERT M. BELL, Chief Judge
FRANK BROCCOLINA, State Court Administrator
PAMELA CARDULLO ORTIZ, Executive Director

Submitted: January 2007

TABLE OF CONTENTS

A LEGACY OF SERVICE TO MARYLAND FAMILIES.....	1
THE MARYLAND FAMILY JUSTICE SYSTEM.....	5
ACCESS TO JUSTICE.....	14
Standard 1.1 Equal Access.....	14
Standard 1.2 Cost of Access	15
Standard 1.3 Safety, Accessibility and Convenience	16
EXPEDITION AND TIMELINESS	18
Standard 2.1 Case Management System	16
Standard 2.2 Protection of Victims of Domestic Violence.....	21
Standard 2.3 Processing Child Dependency Matters	24
Standard 2.4 Resolution of Juvenile Delinquency Cases	28
Standard 2.5 Coordination of Family Legal Issues	30
EQUALITY, FAIRNESS AND INTEGRITY	31
Standard 3.1 Integration of Related Family Matters	31
Standard 3.2 Fairness and Equality for Court Staff	32
Standard 3.3 Responsiveness to Child Support Issues.....	33
Standard 3.4 Treatment of Unrepresented Parties.....	35
INDEPENDENCE AND ACCOUNTABILITY	39
Standard 4.1 Performance Issues	39
Standard 4.2 Information Sharing	41
Standard 4.3 Fair and Efficient Forum for Dispute Resolution	42
Standard 4.4 Safety and Security	43
Standard 4.5 Uniform Qualifications	44
PUBLIC TRUST AND CONFIDENCE	45
Standard 5.1 A Therapeutic, Holistic, Ecological Approach to Family Law Decision-Making	45
Standard 5.2 Fairness, Courtesy and Civility.....	46
Standard 5.3 Visible Presence in the Community	46
KEEPING FAMILY COURT REFORM IN THE FOREFRONT.....	47

LIST OF TABLES

Table 1. New and Reopened Cases – Circuit Court for Anne Arundel County	6
Table 2. Total Family Cases Filed or Reopened in Fiscal Year 2006	20

LIST OF FIGURES

Figure 1. No. of Maryland Jurisdictions Offering Specific Family Support Services, Fiscal Year 2006.....	8
Figure 2. Juvenile and Family/Dependency Drug Courts in Maryland.....	5
Figure 3. Referrals to Child Access Mediation.....	9
Figure 4. Percentage of Custody, Visitation and Support Cases Involving Never Married Parents – Baltimore City.....	9
Figure 5. Percentage of Custody, Visitation and Support Cases Involving 3 rd Party Custodians – Baltimore City.....	9
Figure 6. Referrals to Co-Parenting Education.....	9
Figure 7. Household Income of Co-Parenting Participants – FY06.....	10
Figure 8. Self-Identified Ethnicity of Co-Parenting Participants – FY06	10
Figure 9. Primary Language of Co-Parenting Participants – FY06.....	10
Figure 10. Gender of Co-Parenting Participants – FY06	10
Figure 11. Relationship to Co-Parent - Co-Parenting Participants – FY06	10
Figure 12. Individuals Assisted by Family Law Self-Help Centers.....	11
Figure 13. Legal Forms Helpline Intakes	11
Figure 14. Legal Forms Helpline – Case Types – FY06.....	11
Figure 15. Cases Referred for Custody Evaluations	12
Figure 16. Cases Referred for Mental Health Evaluations	12
Figure 17. Substance Abuse Screenings, Evaluations and Treatment	12
Figure 18. Cases Referred for Visitation Services.....	13
Figure 19. Cases Including a Referral to Children’s Psycho-educational Program.....	13
Figure 20. Family Caseload as a Percentage of Overall Circuit Court Caseload – FY06	18
Figure 21. Family Case Types Heard by Maryland Circuit Courts – FY06.....	19
Figure 22. Relative Family Caseload by Jurisdiction – FY06	19
Figure 23. SPG Grantees Serving Victims of Domestic Violence – Type of Services Provided – FY06.....	21
Figure 24. SPG Grantees Serving Victims of Domestic Violence – Major Benefit Achieved – FY06.....	22
Figure 25. SPG Grantees Serving Victims of Domestic Violence – Cases Opened – FY06.....	22
Figure 26. SPG Grantees Serving Victims of Domestic Violence.....	23
Figure 27. Family Law Self-Help Centers – Assistance Provided by Case Type – FY06	35
Figure 28. Family Law Self-Help Centers – Referrals and Recommendations Made – FY06	35
Figure 29. <i>Pro Se</i> Appearances in Domestic Litigation - FY06	37
Figure 30. Self-Help Center Demographics – Highest Education Level Attained – FY06.....	37
Figure 31. Self-Help Center Demographics – Household Income – FY06.....	38
Figure 32. Self-Help Center Demographics – Primary Language – FY06.....	38
Figure 33. Self-Help Center Demographics – Race/Ethnicity – FY06.....	38

A Legacy of Service to Maryland Families

Eight years of family court reform efforts have yielded significant improvements for families and children in transition. Families in conflict now have access to a broad range of educational, therapeutic, evaluative, legal and dispute resolution services, regardless of where they live in the State. New problem-solving courts, inspired by the success of Maryland family divisions and family services programs, have begun tackling key family issues that can benefit from more intense judicial supervision and monitoring. Generic services are becoming more specialized as courts develop a more sophisticated, nuanced approach to co-parenting education, alternative dispute resolution and evaluative services. Energized by the challenge of serving families more effectively, the Judiciary continues to evaluate and refine its efforts.

New in Fiscal Year 2006

The Maryland Judiciary continued its work on many fronts to institutionalize family court reform and improve the quality of programs that support the family justice system.

New Resources

The Department of Family Administration at the Administrative Office of the Courts guided the Judiciary in the development of several new resources and initiatives that will enhance the quality of services provided to Maryland families. These included:

- *Uniform delinquency orders* to promote compliance with the Adoption and Safe Families Act and Title IV-E of the Social Security Act;
- Revised *adoption rules* currently pending before the Court of Appeals Standing Committee on Rules of Practice and Procedure (Rules Committee);

- The *Judges Domestic Violence Resource Manual*, to be released in early 2007;
- The *Maryland Guidelines of Practice for Court-Appointed Lawyers Representing Children in Cases Involving Child Custody or Child Access* currently pending before the Rules Committee;
- *CINA/TPR Best Practices* which will be published during Fiscal Year 2006 as part of the revised *Child Welfare Benchbook*;
- *Six previously published child support brochures* newly translated into *Spanish*.

Attracting Outside Funding for Maryland Innovations

The Maryland Judiciary was successful this year in obtaining some outside funding to permit the development of key innovations that will have real benefit for Maryland families.

The Administrative Office of the Courts was awarded approximately **\$1.4 million dollars** under the federal Grants to Encourage Arrest Policies (GTAP) program to complete development of the **statewide domestic violence database**. This first-of-its-kind database will coordinate access to domestic violence case information for court users, advocates and law enforcement. It will be not merely a registry of protective orders, but will include the orders themselves, to permit quick and accurate access to protective order information for courts, as well as eventually officers in the field. The wealth of data will also permit analysis of these cases and guide the Judiciary in making policy decisions that enhance protection.

Two new federal grants were awarded the Foster Care Court Improvement Project. These new grants were made possible by the Deficit Reduction Act and will fund **data collection and training** to enhance the handling of **child welfare cases**.

Finally, Spanish-speaking victims will benefit from the **Hispanic Outreach** initiatives of the Protective Order Advocacy and Representation Projects (POARP) funded under a Violence Against Women Act (VAWA) STOP grant.

Administrative Innovations and Quality Assurance

To improve its ability to work with courts and other grantees, the Department of Family Administration extensively *revised its grant guidelines and reporting requirements*. As a result, new data will become available at the end of Fiscal Year 2007 which will aid the Judiciary in understanding the impact of its programs and investments in serving families, and will guide us for future decision-making.

The Foster Care Court Improvement Project launched a series of extensive site visits to each jurisdiction, pulling cases to examine court compliance with the federal regulations governing the management of child welfare cases. The data gleaned from these efforts will help us guide our courts to make appropriate and necessary findings which promote child permanency and hold child welfare agencies in the state accountable for their care of children.

Court Innovation and Improvement

Key programs were expanded and new innovations adopted to improve court responsiveness to families.

The **1st Circuit Truancy Reduction Pilot Program**, originally implemented in Wicomico County, was expanded as Somerset County came on board during Fall, 2005, and Dorchester County in Spring, 2006. Worcester County heard its first truancy cases in January, 2007, bringing the pilot to the full 1st Circuit. The Judiciary

plans a full evaluation of the pilot once all four jurisdictions are operational and enough truancy cases have concluded. The pilot permits schools and courts to collaborate in addressing the underlying needs of children who are not regularly attending school.

Child welfare case innovations are being tested in two **Model Court Initiatives** underway in the Circuit Courts for Baltimore City and Charles County. In those courts, judges, court professionals and FCCIP staff work with consultants from the National Center for State Courts to test and evaluate improvements and best practices in the handling of CINA, TPR and adoption cases.

Additional services for Spanish-speaking victims of domestic violence are now available in the Montgomery County Protective Order Advocacy and Representation Project (POARP). The addition of a bilingual advocate was made possible by the Department of Family Administration through a Violence Against Women Act (VAWA) STOP Grant. The program, operated by the House of Ruth, provides safety-planning, assistance in petitioning for protection, and legal representation. The **Hispanic Outreach** component of the program will expand during Fiscal Year 2007 through a collaborative venture with the Women's Law Center of Maryland, through which POARP attorneys across the state will receive training and technical assistance on the immigration provisions and protections of VAWA, courtesy of the Women's Law Centers' Multi-Ethnic Domestic Violence (MEDOVI) project.

Legislative Highlights

The fiscal year was marked by the implementation and/or passage of key legislation that will have a significant positive effect on Maryland families and children.

Faster, Non-Adversarial Child Support. During the 2006 Legislative Session the General Assembly passed new legislation to permit the use of an **Affidavit of Support**. Modeled after the successful affidavit of parentage, which permits biological fathers to acknowledge paternity in the hospital, the affidavit of support provides for an administrative procedure local child support offices can use to establish or modify child support without a court hearing. House Bill 272 permits the local child support office to have the parties execute the affidavit of support if they agree upon a new or revised child support amount. The affidavit is filed with the court after a 60-day period passes during which either party may rescind their consent. The affidavit becomes fully enforceable upon execution. This is intended to permit the local support office to issue an immediate earnings withholding notice and expedite initial payments – speeding help to custodial parents and their children and reducing the build-up of arrears for payors. The bill takes effect January 1, 2007, and the Judiciary is collaborating with the Child Support Enforcement Administration to pilot the program.

Understanding Juvenile Competency. Another bill passed during the session provides the services component necessary to complete the juvenile competency procedures adopted by the General Assembly the year prior. House Bill 1275 authorizes the court, after holding a competency hearing, to order services to youth when found incompetent, as well as establishes specific procedures to be followed when a court makes a finding of incompetency. These procedures enhance the due process rights of youth determined incompetent and provides the court with additional tools to make good decisions on behalf of these youth.

More Flexibility for Property Transfer in Divorce.

Effective October 1, 2006, Maryland courts in an annulment or absolute divorce case may now transfer ownership of an interest in real property between the parties, subject to the consent of lienholders. This coupled with prior legislation that authorized the transfer of family use personal property gives courts in divorce cases the full range of authority necessary to address the equities of property distribution.

Authorization to Appoint Best Interest Attorneys.

Finally, the General Assembly addressed an issue raised earlier in the year by the Court of Appeals by authorizing courts to appoint an attorney for a child in an action involving custody, visitation rights, or the amount of support of a minor child. Attorneys may be appointed as either a child advocate attorney or as a best interest attorney. The statute tracks the language of the *Maryland Guidelines of Practice for Court-Appointed Lawyers Representing Children in Cases Involving Child Custody or Child Access* currently pending before the Standing Committee on Rules of Practice and Procedure, which state more succinctly the roles and expectations for court-appointed child counsel. Earlier case law had negated the practice of appointment of *guardians ad litem*, noting that the prior statute had authorized courts to appoint “attorneys” for children, but not *guardians* or attorneys designed to fulfill a “best interest” role.

Education Highlights

The Maryland Administrative of the Courts, Department of Family Administration, continued its efforts to enhance the work of the family divisions and family services programs through education. During Fiscal Year 2006, the Department hosted and/or funded the following events:

- The *Child Abuse and Delinquency Options (CAN DO) Conference* for Maryland judges, masters, and agency professionals was held at Rocky Gap Resort & Conference Center in Flintstone, Maryland during October, 2005. A simultaneous *attorney track* was held in Columbia, Maryland.
- A *Family Disease: The Impact of Addiction and Substance Abuse on Children, Families, Family*

Courts and Communities was funded by the Department of Family Administration, and planned for the Judiciary by the University of Baltimore, School of Law, Center on Families, Children and the Courts. The event took place during September, 2005 at the Loyola Graduate Conference Center in Timonium, Maryland.

- The Eastern Shore Circuit Courts and family services coordinators collaborated to plan and host a regional conference in October, 2005, aimed at improving representation for children, *Court Appointed Lawyers for Children: Delineating the Roles & Responsibilities*.
- Six *Regional Trainings* were held around the state for court personnel, self-help providers and mediators on the publication, *Screening Cases for Family Violence Issues to Determine Suitability for Mediation and Other Forms of ADR: Screening Protocols and Tools for Maryland Circuit Courts*.
- Maryland Executive Director for Family Administration, Pamela Ortiz, participated in planning and presenting at *Access to Justice for the Self-Represented: Court and Community-Based Strategies and Solutions*, an Eastern Regional Conference held in White Plains, New York. Key Maryland stakeholders participated in the conference as well.
- The Foster Care Court Improvement Project continues to plan regular courses on child welfare topics for the *Judicial Institute*. In March, 2005, FCCIP hosted a full-day beginner’s dependency training program. The September, 2006, course was an intensive full-day session on the new TPR/adoption statute.
- The Department of Family Administration continued its commitment to offering *40-hour Basic Mediation* and *20-Hour Child Access Mediation Courses* to Maryland judges, masters and court professionals. This year’s course was deferred to Fall, 2006, and was held in November and December. Plans are underway to add a second basic mediation course in 2007 as these courses are regularly over-subscribed.

Asking the Hard Question – How Did We Do?

Efforts continued during Fiscal Year 2006 to examine court performance in serving families. Key evaluative projects included:

Distribution and initial analysis of four major survey instruments including a litigant satisfaction survey, and attorney satisfaction survey and two program exit surveys for co-parenting courses and self-help centers. An electronically distributed survey of *Family Matters* readers to evaluate how well the Department of Family Administration’s newsletter is serving its customers.

The final phases of an in-depth case file review being conducted for the Judiciary by the Women's Law Center to examine custody and financial decision-making in divorce and child access cases, the results of which are expected in early 2007.

A complete round of in-depth site visits conducted by the FCCIP to evaluate court compliance with federal law governing the management of child welfare cases.

Looking Forward To 2007

A number of key initiatives launched during the fiscal year, will begin to bear fruit during Fiscal Year 2007.

The Department of Family Administration has begun working with the Maryland CASA (Court Appointed Special Advocates) Association and CASA directors statewide to develop a **performance-based funding model** for CASA organizations. The Department of Family Administration administers state grant funds that support CASA organizations serving children in foster care.

The Custody Subcommittee of the Maryland Judicial Conference Committee on Family Law, under its chairperson, Court of Special Appeals judge, the Honorable Deborah Eyler, has begun to examine **standards and possible legislation** to guide the use of **parenting coordinators** in high conflict child access cases. The subcommittee has also begun exploring **standards for custody and mental health evaluations**.

A new Judiciary-wide **Work Group on Self-Represented Litigants in the Maryland Courts**, chaired by Court of Appeals judge, the Honorable Clayton Greene, Jr., has begun examining ways in which the Judiciary as a whole can effectively address the needs of the self-represented. Pamela Ortiz, Executive Director of the Department of Family Administration, staffs the work group which grew out of recommendations for Maryland which were part of a national study evaluating self-help

centers in numerous states. The work group's efforts will inform how courts in Maryland respond to the self-represented who figure prominently in family litigation.

The Foster Care Court Improvement Project of the Department of Family Administration is busy planning its **third biennial CINA/TPR Alternative Dispute Resolution Conference**, to be held during April, 2007, in Columbia, Maryland. Through this conference, and grant funds provided through FCCIP, the Maryland Judiciary has promoted the use of mediation and other forms of ADR in dependency cases.

Maryland will be the site of a national **Unified Family Court Summit** being planned by the American Bar Association in conjunction with the University of Baltimore Center for Families, Children & the Courts. The summit scheduled for May, 2007, in Baltimore, will convene state chief justices and state family court teams from around the country to examine ongoing efforts at family court reform. The Maryland Judiciary has participated in planning and co-sponsoring the event, which will highlight the Maryland family divisions.

Finally, after many years of collaborative work across the state with mediators, courts, citizens and others, the Maryland Mediation and Conflict Resolution Office (MACRO) has begun rolling out the **Maryland Program for Mediator Excellence (MPME)**. This quality assurance program for Maryland mediators features a variety of branches, each of which is designed to leverage the quality of mediation being conducted in Maryland. The program includes a range of components including mentoring programs, grievance procedures, training standards, and eventually will include a performance-based certification process. The Department of Family Administration has participated extensively in helping MACRO develop and vet the program. MPME and its many branches will be the primary quality assurance mechanism for court-based mediation programs across the state.

MISSION OF MARYLAND'S FAMILY DIVISIONS

The mission of Maryland's Family Divisions is to provide a fair and efficient forum to resolve family legal matters in a problem-solving manner, with the goal of improving the lives of families and children who appear before the court. To that end, the court shall make appropriate services available for families who need them. The court shall also provide an environment that supports judges, court staff, and attorneys so that they can respond effectively to the many legal and non-legal issues of families in the justice system.

The Maryland Family Justice System

Maryland's family justice system affects the lives of thousands of Maryland families and children each year. Maryland courts serve families and children through the Circuit Court Family Divisions and Family Services Programs which open about 130,000 cases per year. Cases include those involving divorce, child access issues, child support, domestic violence, child welfare, truancy and delinquency. These families come into contact with the family justice system at crucial times – times at which they are vulnerable and their many needs evident. By providing critical services, evaluating family and individual needs with compassion, and paying attention to the manner in which cases involving these families are managed, Maryland courts seek to enhance the lives of families and children whose lives are in transition.

Comprehensive Jurisdiction

The Maryland Circuit Courts have comprehensive jurisdiction over all civil legal matters that affect families. The Circuit Courts are the state's general jurisdiction trial courts. They are the highest trial court level in the state.

To enhance victim safety, Circuit Courts do share concurrent jurisdiction with the District Court, the state's limited jurisdiction trial court, over domestic violence matters. District Courts have the ability to hear new domestic violence petitions after regular court hours, as they have commissioners who are available 24-hours per day and who are empowered by the state constitution to issue interim protective orders. Maryland court rules permit courts to transfer domestic violence cases between District and Circuit Courts, when appropriate, to permit the consolidation of cross-filed cases, or to permit a judge hearing a related divorce or custody case to also hear the domestic violence case.

Because of this comprehensive jurisdiction, Maryland Circuit Courts can consolidate related matters, when appropriate, and judges, masters and service professionals can develop and maintain their knowledge of the needs of each individual family.

Case Management

Maryland courts have developed case management practices designed to enhance the family justice system. Case management techniques are designed to:

- Ensure expeditious handling of critical family matters;
- Promote parents as primary decisionmakers for the family by using a range of conflict resolution techniques;
- Educate families so they become effective decisionmakers;
- Provide timely and critical information to judges and masters; and

- Make effective use of court resources.

Most courts have developed specialized **family case management plans** that incorporate a range of techniques which may include:

- Scheduling conferences;
- Mediation;
- Education programs and/or orientation workshops to enhance parental decisionmaking and to address the needs of the self-represented;
- Focus on the order of events, for example, scheduling co-parenting education before mediation;
- The use of specialty courts or specialty dockets to provide ongoing judicial oversight to bear on key family issues including substance abuse (juvenile and dependency drug courts) and truancy (truancy courts).
- Settlement conferences;
- Status conferences;
- Pre-trial conferences.

As an example, the Circuit Court for Anne Arundel County has successfully used case management techniques to reduce the number of reopened family cases, even while the number of new family cases has increased. Courts generally cannot control the number of new cases brought, but innovative case management and problem-solving approaches can reduce the number of cases that are relitigated for one reason or another. The Circuit Court for Anne Arundel County set out to do just that by: i) providing additional time for scheduling and settlement conferences to permit the parties a better opportunity to resolve disputes on the day of the conference; ii) scheduling more non-adversarial court events including scheduling and settlement conferences; and iii) continued promotion of alternate dispute resolution programs.

Case types within the jurisdiction of family divisions

Adoption
Child support
Child in need of assistance (CINA)
Child in need of supervision (CINS)
Custody
Divorce
Domestic violence
Guardianship
Involuntary admissions
Juvenile delinquency
Juvenile peace orders
Name change
Paternity
Termination of parental rights
Truancy
Visitation

Table 1. New and Reopened Cases – Circuit Court for Anne Arundel County

Case Type	FY 2004	FY 2005	FY 2006
NEW	4,387	4,388	4,458
REOPENED	3,883	3,205	2,941
Total	8,270	7,593	7,399

Thus while the number of new filings increased 1.6%, the number of reopened cases declined dramatically by 24.2% resulting in an overall caseload drop of 10.5%.¹

New services can also impact case management. The Circuit Court for Baltimore County developed two new programs to address increasing numbers of filings for contempt. The court now holds Pre-Hearing Contempt Conferences, staffed by volunteer facilitators, to aid the parties in resolving issues that would normally result in a contempt proceeding. A new Family Employment

Support Program works with child support payors to aid them in seeking employment so they can make regular support payments. These efforts have resulted in a 29.8% decrease from 2005 to 2006 in the number of contempt proceedings heard by the court.

A Continuum of Services

Each of Maryland's twenty-four Circuit Court jurisdictions has developed a spectrum of core services to assist families and children involved with the legal system. Some services are provided directly by the court. Others are made available through contract or referral.

¹ Circuit Court for Anne Arundel County, *Family Division Annual Report 2006*. October 15, 2006, p. 4.

Types of Services

ALTERNATIVE DISPUTE RESOLUTION

These services encourage parties to settle their dispute in a manner other than by going to trial.

- Child Access Mediation*
- Marital Property Mediation*
- Volunteer Settlement Panels*
- Facilitation*
- Dependency Mediation*
- Parent-Teen Mediation*
- Pre-trial Conferences*
- Parent Coordination*

EVALUATIVE SERVICES

These programs provide the court with information it needs to make a decision that is in a child's best interest, or that is best for that family.

- Home Studies*
- Custody Evaluations*
- Mental Health and Psychological Evaluations*
- Substance Abuse Assessments*
- Visitation Reports*

EDUCATIONAL AND THERAPEUTIC SERVICES

These programs educate the parties, help parents remain child-focused, and ease the family's transition.

- Co-parenting Education*
- Psycho-educational Programs for Children*
- Individual, Group and Family Therapy*
- Abuser Intervention Programs*
- Substance Abuse Treatment*
- Drug Courts*
- Truancy Court*

SAFETY AND PROTECTION SERVICES

These resources are designed to ensure the safety of adults and children.

- Emergency Mediation and Crisis Intervention*
- Domestic Violence Safety Planning and Coordination*
- Visitation Services*

LEGAL SERVICES

These programs ensure access to the justice system for those of limited means, and those at risk.

- Family Law Self-Help Centers*
- Domestic Relations Forms*
- Domestic Violence Advocacy*
- CASA Programs*
- Web Sites, Publications, Videos*

Figure 1. No. of Maryland Jurisdictions Offering Specific Family Support Services, Fiscal Year 2006

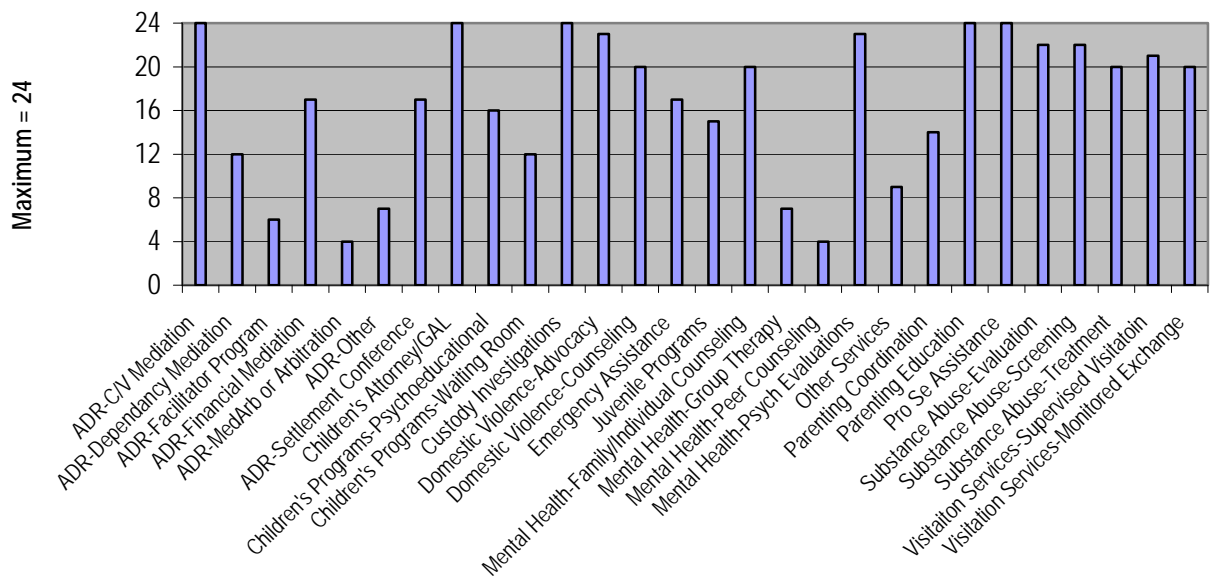
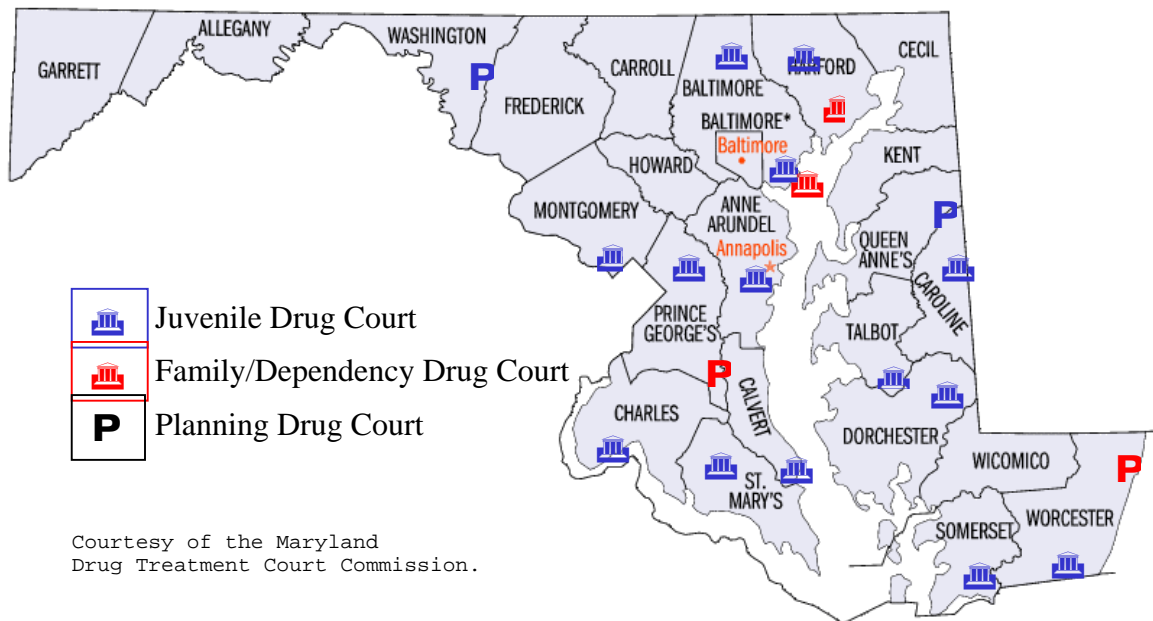


Figure 2. Juvenile and Family/Dependency Drug Courts in Maryland

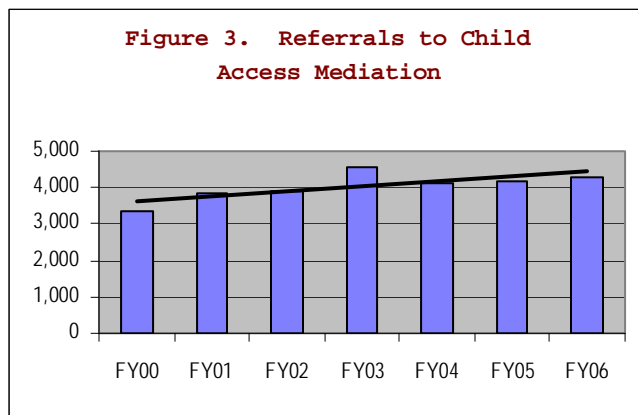


Promoting Parents as Primary Decision-makers

Child Access Mediation

Courts promote parents as primary decision-makers by providing them the opportunity to resolve cases without litigation. Mediation permits parents the chance to recognize and place their child's needs first.

When a custody or visitation case goes to trial, the relationship between former spouses is further eroded, positions are polarized, and it becomes less likely that those parents will be able to cooperate in the future to make child-rearing decisions. Neighbors and extended family are called in to testify against the opposing party, further destroying the parties' support networks. Alternative dispute resolution helps preserve relationships where possible and promotes child-focused decision-making



Helping Parents Remain Child-Focused in Their Decision-Making

Co-Parenting Education

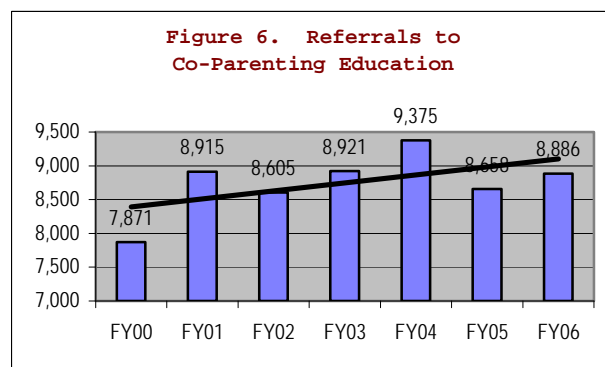
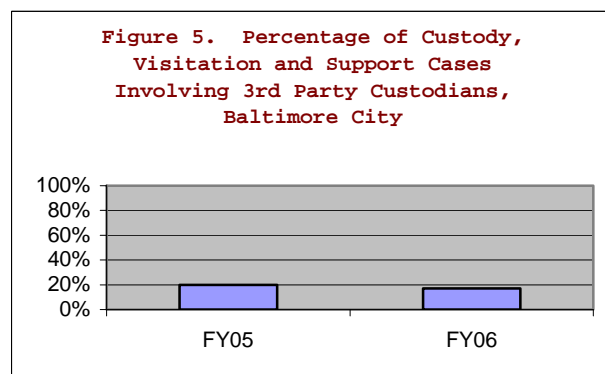
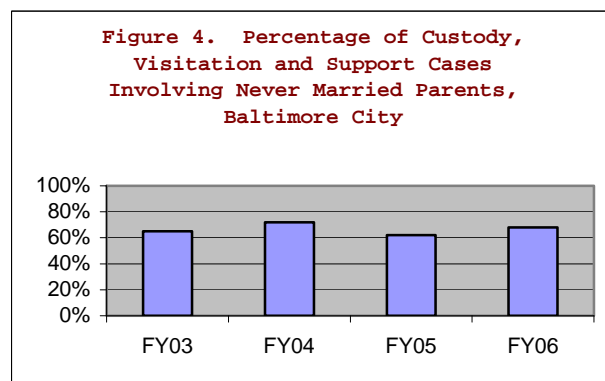
All Maryland jurisdictions offer some form of co-parenting education. Maryland Rule 9-204 prescribes the content and length of the course, which can be up to two sessions for a total of six hours of instruction.

Several courts now offer additional, specialized co-parenting courses targeted to address the needs of specific populations. In Baltimore City, where many child access cases involve parents who have never been married and who never resided together, the court offers a program called "SHAPE" or "Shared Parenting Education" specifically to help parents who have never had a close relationship develop the skills to work together as parents. Of 987 custody, visitation and child support cases reviewed by the Family Division Administrator in

Baltimore City during Fiscal Year 2006, 68% involved parents who had never been married.²

The Circuit Court for Baltimore City also now offers a specialized parenting course for relative caregivers and other third-party custodians. *Parenting for Third Parties* (PATH) is offered six times per year. Thirty-nine individuals were referred to the class during the past year. During that year, 17% of custody cases in that jurisdiction involved parties other than the parents of the child.³

The Circuit Court for St. Mary's County expanded its Family Advocacy Program to include a Communication Skills Building Program to teach the communication skills necessary to effective co-parenting.



² Circuit Court for Baltimore City, *Annual Report of the Family Division (Fiscal Year 2006)*. October 24, 2006, p. 6

³ *Id.*, p. 7.

Who Benefits from Co-Parenting Education? When parents participate in co-parenting education, they are asked to complete a demographic questionnaire. This data provides some picture of the individuals involved in contested child access cases.

This information is used to assist the courts in designing co-parenting curricula and in targeting written materials and other resources to ensure they meet the needs of the court's customers.

Successful co-parenting education includes a unit explaining the role and benefits of mediation, and preparing parents to participate effectively in alternative dispute resolution sessions. In some courses, local attorneys, judges, mediators or other court professionals visit the class to explain more about the process.

Figure 7. Household Income of Co-Parenting Participants - FY06

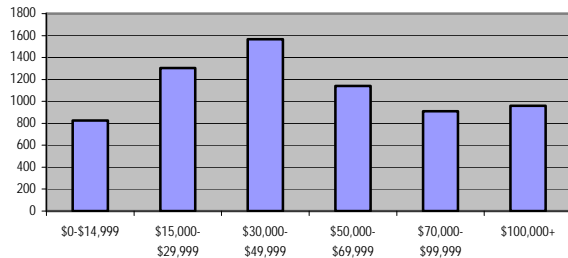


Figure 8. Self-Identified Ethnicity of Co-Parenting Participants - FY06

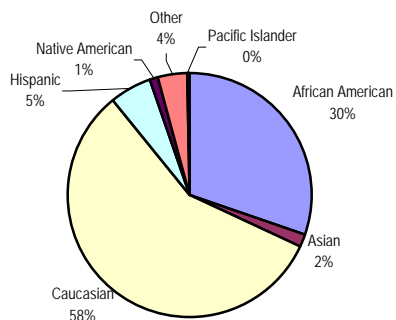


Figure 9. Primary Language of Co-Parenting Participants - FY06

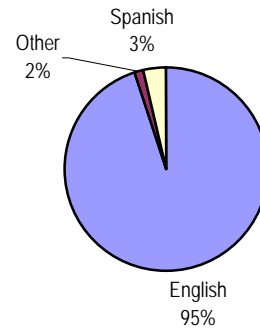


Figure 10. Gender of Co-parenting Participants - FY06

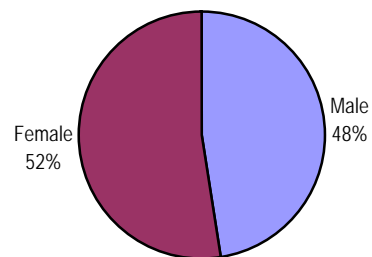
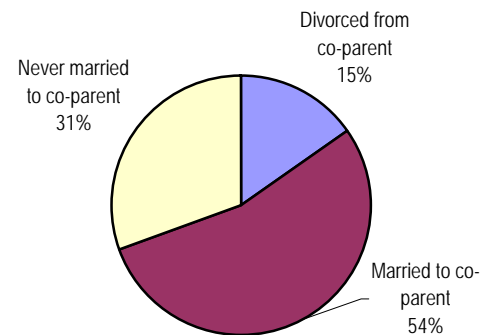


Figure 11. Relationship to Co-Parent - Co-Parenting Participants - FY06



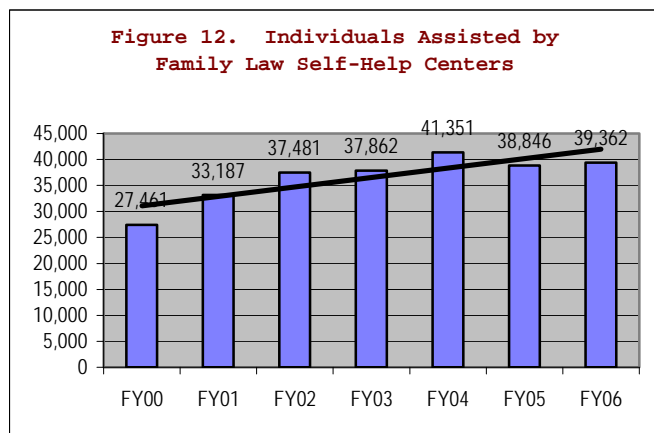
Access to the Family Justice System

Help for the Self-Represented

No system of justice is effective unless the persons it was designed to benefit can have effective access to that system. Maryland Circuit Court Family Divisions and Family Services Programs have made a strong commitment to serve all Maryland residents without regard to representational status.

Many individuals find it difficult or impossible to afford counsel in family cases. When a marriage dissolves, the family is compelled to support two households on the same income that once supported one.

The Maryland Judiciary provides a broad spectrum of resources to aid those who must proceed without benefit of counsel.



Family Law Self-Help Centers. These free walk-in legal clinics provide forms, information and procedural assistance to self-represented persons. Every Circuit Court in Maryland operates a family law self-help center. Attorneys interview litigants to determine whether their case is appropriate for self-representation, assist them in completing forms, and in planning for the next steps of their litigation. Referrals for more in-depth legal assistance are made where the party is in need of full representation.

These programs are in extremely high demand. In Fiscal Year 2006, family law self-help centers served 39,362 individuals.

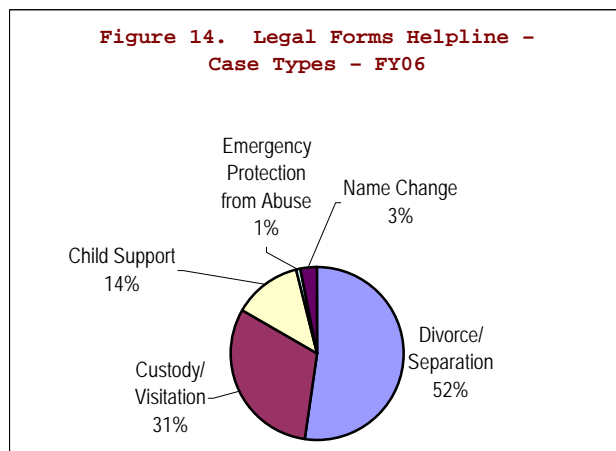
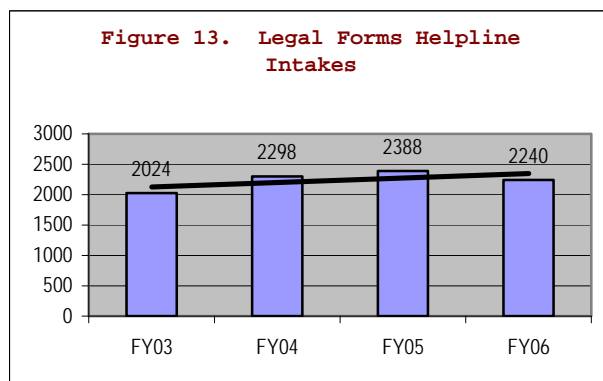
The Judiciary has addressed quality assurance for these programs by adopting and promoting *Best Practices for Programs to Assist Self-Represented Litigants in Family Law Matters*. The document, developed by Maryland, adopted during Fiscal Year 2005, paints a picture of what a good self-help program looks like and recommends promising practices for Maryland courts.

During the Fall of 2005, self-help providers were also offered training on how to screen cases for family violence issues. Self-help providers can play a critical role in helping victims let the court know when family violence is an issue and when, as a result, mediation or other forms of ADR may be inappropriate.

Domestic Relations Forms. The Maryland Judiciary maintains a large body of forms for use by self-represented litigants in domestic cases. Forms are available in fillable-field PDF format through the Judiciary's website for use in divorce, custody, visitation, child support, name changes and domestic violence cases.

The forms are also available online in a bilingual Spanish-English format. Spanish speakers can complete the bilingual form and submit it directly to the court. Complete instructions are available in Spanish.

Legal Forms Helpline. The Department of Family Administration supports a statewide legal forms hotline to aid individuals in completing and filing the domestic relations forms. The Legal Forms Helpline is operated by the Women's Law Center of Maryland under a Special Project Grant from the Department of Family Administration. The Helpline also offers services in Spanish one half-day per week.



Understanding Families to Enhance Decision-making

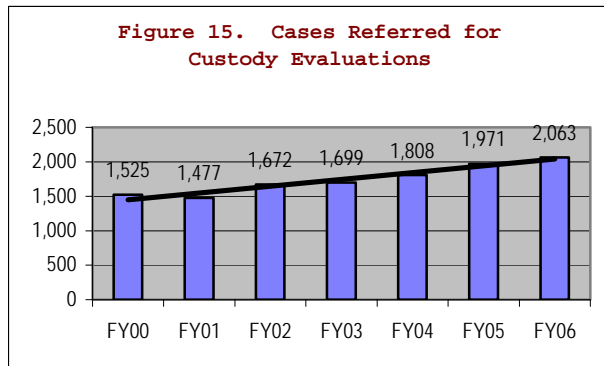
Custody Evaluations

All Maryland Circuit Courts have a mechanism for providing home studies or custody evaluations. In some instances the court maintains social workers on staff to provide this service. In some jurisdictions the service is provided for a fee by the local department of social services, or another private provider.

Evaluations can range from simple home visits with a report on the conditions in the home, to an in-depth assessment of the parents' relative parenting abilities based on interviews with the parties, observations of the child with each parent in the home, interviews with collateral witnesses, and a review of pertinent education, medical and other records.

The Department of Family Administration provides occasional opportunities for the court's custody and mental health evaluators to enhance their skills and obtain continuing education credits necessary to maintain their professional licensing.

Several jurisdictions, notably Montgomery, Prince George's and Carroll Counties, noted significant increases in the number of custody evaluations required.

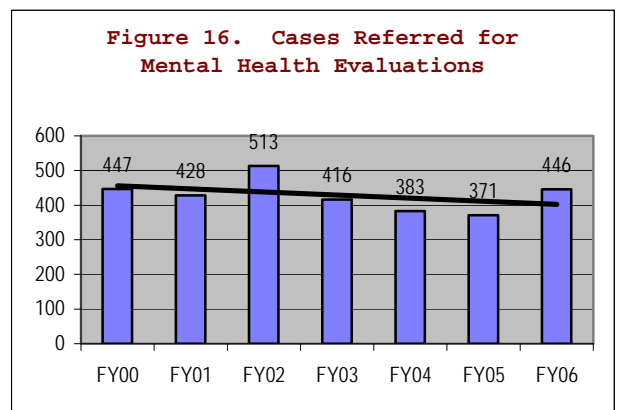


Mental Health Evaluations

When serious mental health issues have been identified, a court may need an evaluation of an individual or family members before making child access decisions. All Maryland Circuit Courts have some mechanism for requesting an in-depth assessment of the mental health of a party or child.

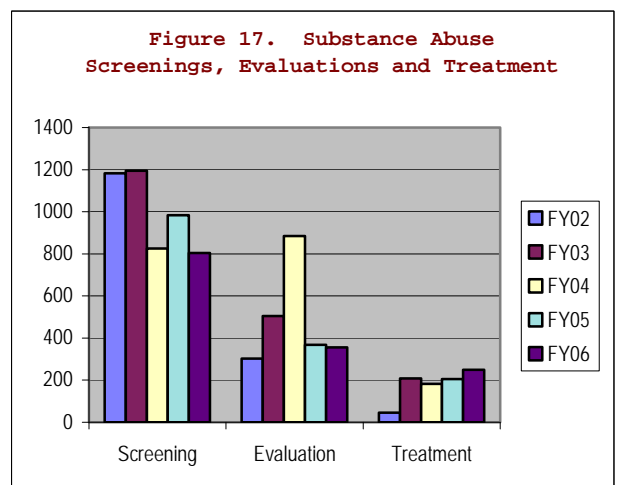
In some jurisdictions, this service is provided by contractual psychiatrists or psychologists retained by the court. In most jurisdictions, however, this service is provided by making a referral to one of several private providers identified by the court.

These types of evaluations are costly to provide. While not needed in all cases, they provide critical information to the court and the parties in those cases where mental health issues are raised. The parties are normally required to pay for these services, although the court makes fee waivers available to income eligible litigants.



Substance Abuse Assessments

Many courts have devised ways to arrange for drug and alcohol testing where substance abuse has been alleged. In some jurisdictions, onsite, same-day urine testing can be done. This can improve the accuracy of reports and the speed with which they can be made available.



Promoting Healthy Parent-Child Relationships

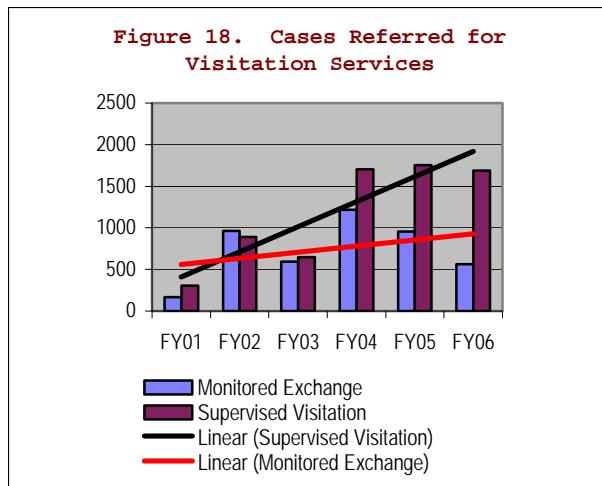
Visitation Services

Visitation services promote family relationships and parent-child access while preserving the safety and security of family members. These services can become especially critical when there have been allegations of family violence or substance abuse. Without access to supervised visitation or monitored exchange, some

parent-child relationships would be completely disrupted or limited unnecessarily.

Monitored Exchange Services provide a neutral setting for parents to drop off and exchange children before and after visits. By using a staffed, neutral site, parents can avoid contact, thereby minimizing the possibility of a hostile or violent confrontation. These services promote parent-child relationships and minimize the trauma to which children are sometimes exposed.

Supervised Visitation Centers provide a neutral setting where non-custodial parents can spend time with their children. Trained professionals, many of whom have a mental health background, staff these centers. A structured activity may be offered. In many cases, the visitation center will report to the court on whether the parties are participating and/or how the visits went. Supervised visitation services protect children while promoting their relationship with their parent.



Programs to Support Non-Custodial Parents

Courts can support families and reduce post-judgment activity by facilitating stable relationships between non-custodial parents and their children. The Circuit Court for Worcester County has engaged in a fruitful partnership with that county's Health Department to establish a countywide **Nurturing Fathers** program. Nurturing Fathers is a 10-week parent education program for non-custodial fathers who are not engaged in ongoing, consistent relationships with their children. The program provides fathers with experiences that allow new ways of thinking to change parenting attitudes and behaviors, and to aid them in establishing more nurturing, rewarding relationships with their children and co-parents. The program is supported by the court's Family Services Program as well as a Special Project Grant made available through the Maryland Judiciary. During Fiscal Year 2006, 73 fathers participated in and successfully completed the Nurturing Fathers program.

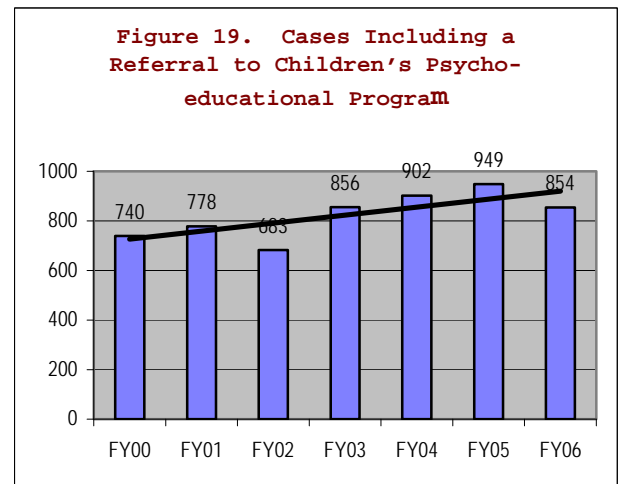
Caroline County Department of Social Services operates a program, also funded by the Judiciary under a Special Project Grant, entitled **Fatherhood for Now**. The program, which accepts referrals from the courts and other agencies, provides employment development, parenting skills development, life counseling and assistance with child support related issues to non-custodial fathers. Participants also attend monthly DADS (Dads All Deserve Support) meetings and are referred to a range of additional community-based resources. The program served 49 fathers during Fiscal Year 2006, 29 of which were new cases and 20 continued from the year prior.

Other jurisdictions have begun to focus on providing employment support programs for non-custodial parents to support them in their efforts to support their children.

Helping Children Adjust to Changes in Their Family

Psycho-educational Programs for Children

A number of Circuit Court Family Divisions and Family Services Programs offer programs to aid children in coping with changes that are happening in their divorcing or separating families. These "psycho-educational" programs range from classes, which provide information, to more in-depth therapeutic groups which meet for several weeks and which provide children an opportunity to express and process what is going on in their lives.



One unique program benefits children who have been exposed to domestic violence. The Carroll County Family Services Program is one of three agencies that can refer families with a history of domestic violence to the **Violent Acts Pilot Program** operated by the Carroll County Youth Services Bureau. There children are assessed and families offered brief strategic family therapy to address the needs of children considered at risk because of exposure to adult violence or because the child has exhibited violent behavior.

Access to Justice

Access to Justice remains essential to the success of the State's family justice system, especially as so many family litigants appear without benefit of counsel. The Judiciary maintains key resources that benefit those of limited means, those of varying backgrounds and abilities, and those without counsel. The Judiciary has formed key partnerships with the legal services delivery community to enhance access to *pro bono* representation and to promote greater access to representation in family cases.

Standard 1.1 Equal Access

Maryland's family divisions ensure that court services are accessible equally to all litigants, regardless of race, ethnic background, religious affiliation or socio-economic status.

A Network of Statewide Resources

The Maryland Judiciary promotes equal access to the family justice system in a variety of ways.

Maryland Circuit Courts operate a **statewide network of family law self-help centers**. These free walk-in legal clinics offer forms, advice and information to self-represented persons. Family law self-help centers served over 39,000 individuals in Fiscal Year 2006.

The Maryland Judiciary provides a large volume of **Domestic Relations Forms** to assist self-represented litigants in divorce, custody, visitation, child support, domestic violence and name change cases. The forms are provided through the Internet in fillable PDF. This permits users to download and print completed forms for filing. A simple, online interface assists users in identifying which forms they need.

The entire body of forms and instructions are also available in a **bilingual Spanish/English format**. Similarly, the entire family section of the Maryland Judiciary website has been translated into Spanish, providing Spanish-speakers with the same depth of information available to English speakers.

Through its Special Projects Grant program, the Department of Family Administration funds a **statewide Legal Forms Helpline**. The Helpline, operated by the Women's Law Center of Maryland, provides assistance with forms in English and Spanish. Attorneys answer the helpline and provide basic assistance with the forms and family law procedures upon request.

Overcoming Linguistic and Cultural Barriers

Maryland courts have adopted a number of strategies to assist non-English speakers and others who may need assistance in navigating the family justice system.

Spoken word and sign language interpreters are available for court appearances. The costs of the interpreter are provided by the court.

Courts have experimented with a variety of ways to make court services and educational programs available to non-English speakers or those needing an accommodation due to a disability. The Circuit Court for Montgomery County, for example, offers **simultaneous translation** for participants in its co-parenting education classes. In Fiscal Year 2006 simultaneous translation was used in 143 sessions of the course in 16 different languages.

Several small Mid-Shore counties on the Eastern Shore collaborated to offer a **co-parenting course in Spanish**.

The Circuit Court for Prince George's County has an **Hispanic Community Liaison**. That employee serves as a visible presence in the Family Division and, along with several **bilingual employees** provides direct, one-on-one assistance to the members of the Latino community. The liaison assists self-represented litigants and works with the community to identify the needs of Latinos to enhance access to the court and the family justice system.

The Frederick County Circuit Court is another example of a court that has adapted to the specific needs of its community. That jurisdiction has a large deaf population due to the presence in that county of the Maryland School for the Deaf. As a result there is a higher demand for sign language interpretation. To ensure deaf residents can utilize the Family Law Clinic, that court's self-help center, the clinic has a **sign language interpreter** one day per week during its regular operations.

Standard 1.2 Cost of Access

Maryland's Family Divisions must ensure that court services are accessible equally to all litigants, regardless of their ability to pay for the services, and supply certain core services.

Leveling the Playing Field Throughout the State

As a condition of accepting Family Division / Family Services Program grant funds, each jurisdiction agrees to provide a **fee waiver** for individuals that meet certain income-eligibility criteria. The income guidelines that have been adopted are those devised each year by the Maryland Legal Services Corporation. The guidelines are based on household size and household income and are tied to the Maryland median income and the federal poverty guidelines.

Some jurisdictions have extended the reach of this initiative by offering **partial fee waivers on a sliding scale** to individuals that would not qualify for a full fee waiver under the Judiciary-wide guidelines.

The use of a uniform fee waiver standard can have a disparate impact on the varying jurisdictions. Jurisdictions where the rate of individuals living in poverty is higher will have to use a higher percentage of grant funds to provide services for indigents. For example, in Baltimore City, 23% of divorce, custody, visitation and/or child support filings were accompanied by an order waiving the filing fee.⁴

The Department of Family Administration continues to be responsible for managing the State's **pro bono reporting process**. Maryland's 31,000 attorneys are required to report on their *pro bono* activities each calendar year. The Administrative Office of the Courts works with the Standing Committee on Pro Bono Legal Services to promote *pro bono* activity among the Maryland Bar, to increase access to justice for Maryland's poor.

Finally, the Department of Family Administration makes Special Project Grants available to a number of legal

services programs to enhance access to representation and a range of legal services for litigants in family case types.

Eliminating Costs Where Possible

Depending on how the service is provided and funded, courts have worked to reduce or eliminate the financial burden on litigants where possible. Some jurisdictions are able to offer certain services free-of-charge. For example, the Circuit Court for Anne Arundel County offers its co-parenting education course entitled **Family Law Orientation Workshop, or FLOW**, free-of-charge to court-ordered participants. They also offer the children's program, **Kids Count**, free as well.

Agency Collaboration Reduces Costs

The same court is able to offer substance abuse testing and analysis, including urinalysis testing on site, because of the presence of two **court substance abuse assessors** assigned by the local Health Department to serve the court's Family Division and drug court.

The Circuit Court for Baltimore City is able to provide **best interest attorneys for children** in cases where needed, regardless of the ability of parent's to pay, by taking advantage of a program operated by the Maryland Volunteer Lawyers Service. That agency trains volunteer attorneys and coordinates assignment with the court when a judge or master deem that representation for a child is appropriate.

Through a grant from the Maryland Mediation and Conflict Resolution Office, the Circuit Court for Cecil County was able to offer no cost mediation for self-represented litigants in that jurisdiction.

⁴ *Id.*, p. 4.

Standard 1.3 Safety, Accessibility and Convenience

Maryland's Family Divisions aspire to ensure that court facilities are safe, accessible, and convenient to use, and they aspire to develop a strategic plan to implement this standard by working with domestic violence advocacy groups and local governments, among others.

Providing Services in a Convenient Setting

Maryland courts continue to offer key services during evening and weekend hours to make it easier and convenient to take advantage of court-based services. Most courts offer their **co-parenting education** and **psycho-educational programs for children** after hours and on weekends. Some programs are offered at **community sites** convenient for families.

For example, to enhance access to two key programs for children, the Circuit Court for Dorchester County now offers its 8-week programs, *Children in the Middle* and *Teens in the Middle*, **immediately after school at two public schools** as a part of school Wellness Programs. In addition to the court, guidance counselors and teachers are also able to refer children to the program.

Rural courts often have to work hard to ensure the full range of resources are available locally. Transportation and time barriers can be just as difficult to overcome at times as financial ones. The Circuit Court for Dorchester County sent a family attorney and mental health professional to mediation training offered by the Department of Family Administration during Fiscal Year 2006. For the first time, the court now has **local mediators** to whom it can refer cases. In the past all mediators came from outside the county.

Incarcerated parents are an important but difficult to reach constituency. A number of Maryland courts make special efforts to reach this population. In Kent County, the court has collaborated with the local detention center to offer co-parenting courses at the facility. In Somerset County, which has a large incarcerated population due the presence of the Eastern Correction Institute (ECI), the court coordinates with Alternative Directions, Inc. Their staff visit ECI monthly to assist with forms, filing, service and the summons process.

Finding Creative Ways to Expand Resources

Courts have experimented with a variety of collaborations and new funding sources to find ways to expand existing services. In January, 2006, the Circuit Court for Baltimore County was able to open a new **Progressive Visitation Center** for parents in Child in Need of Assistance (CINA) and Termination of Parental Rights

(TPR) cases. The center, funded by the Baltimore County Department of Social Services, offers direct assistance, education and support to visiting parents and children, while providing a safe environment for parent-child contact.

Carroll County was also able to **expand visitation center hours** with a grant from the Maryland Department of Human Resources. Hours were expanded to include Saturday mornings. The Carroll County Commissioners also contributed to the program by providing the center with an exclusive lease for a two-story building recently purchased by the County.

Walking the Walk – Making the Courts Family Friendly

As courts seek to make the legal process enhance the strength and well-being of Maryland families, courts must “walk the walk” and strive to ensure facilities are family friendly. Many courts provide specialized **child waiting rooms**. The Circuit Court for Baltimore City continues to offer a **staffed child waiting area** at Courthouse East where parents can leave their children while they are participating in a case. Non-staffed waiting areas are outfitted at the court's Juvenile Justice Center a few blocks away. During Fiscal Year 2006, the Circuit Court for Prince George's County was given a local grant to enhance the child waiting area with **child-friendly storage, shelving, furnishings, multi-ethnic and child-centered rugs, puzzles and books**.

Some courts, for example, the Circuit Court for Kent County, have installed **diaper changing areas** in all restrooms.

Enhancing Access to Justice for Victims of Violence and the Under-represented

The Department of Family Administration continues to enhance access to the family justice system through Special Projects Grants. These funds are awarded for a broad range of projects that enhance access to the family justice system. A large number of these grants are given to organizations providing safety planning and legal representation to victims of domestic violence. A list of projects receiving Special Project Grant funds in Fiscal Year 2006 is provided.

Special Project Grants

The following Special Project Grants were awarded in Fiscal Year 2006 to support Maryland's family justice system.

GRANTEE/project

CAROLINE CO. DSS / fatherhood for now
CIRCUIT COURT FOR BALTIMORE CITY/child-centered mediation project
DVSARC(DOVE CENTER)/legal advocacy initiative
FOR ALL SEASONS/family visitation center
HEARTLY HOUSE/courthouse outreach and victim advocacy
HEARTLY HOUSE/legal services program relocation
HOUSE OF RUTH / protective order advocacy representation project – baltimore city district court
HOUSE OF RUTH / protective order advocacy representation project – prince george's circuit and district courts
HOUSE OF RUTH / protective order advocacy representation project – montgomery county circuit court
LAW FOUNDATION OF PRINCE GEORGE'S COUNTY / latino legal access project
LEGAL AID BUREAU / child custody representation project
LIFE CRISIS CENTER / all about children
LIFE CRISIS CENTER / domestic violence legal services program
MARYLAND VOLUNTEER LAWYERS SERVICE / safenet
MARYLAND VOLUNTEER LAWYERS SERVICE / washington county domestic violence legal services
MARYLAND VOLUNTEER LAWYERS SERVICE / domestic violence expansion project
SOUTHERN MD CTR FOR FAMILY ADOVOCACY / domestic violence legal services program
WOMEN'S LAW CTR / protective order advocacy representation project – baltimore city circuit court
WOMEN'S LAW CTR / protective order advocacy representation project – baltimore county circuit court
WOMEN'S LAW CTR / protective order advocacy representation project – carroll county circuit and district court
WOMEN'S LAW CTR / legal forms helpline
WORCESTER CO. HEALTH DEPARTMENT / nurturing fathers program
YWCA OF ANNAPOLIS AND ANNE ARUNDEL CO. / domestic violence legal services program – anne arundel circuit and district courts

Expedition and Timeliness

Family case types often contain an element of urgency. Delay can mean uncertainty, anxiety and suffering for all family members in custody cases. It can mean additional harm for children in child abuse and neglect cases. In child access cases delay can result in missed schooling or missed visits. In short, it is imperative that courts handle family matters effectively and efficiently. Maryland courts monitor their performance in light of statewide time standards. By conducting early scheduling conferences, front-loading services and ensuring cases are heard when scheduled they help ensure families are benefited by their experience with the court.

Standard 2.1 Case Management System

In order to provide for the fair, reasonable and expeditious resolution of all issues arising in family legal matters, Maryland's Family Divisions manage and operate a case management system that compels timely discovery and fruitful settlement negotiations with a view toward limiting the issues requiring trial.

Family Matters Comprise Nearly One-Half the Circuit Court Caseload

Nearly one-half of all cases filed in the Maryland Circuit Courts are within the jurisdiction of the Family Divisions. The bulk of cases occupying the time of judges, masters and court staff are those with the most complex issues – child access, family violence, delinquency, child abuse and neglect

It is essential that the State of Maryland dedicate sufficient resources to ensure that the court can manage these complex cases effectively, and reach decisions that promote family health and stability. The Maryland Judiciary has requested 8 ½ new masters positions in the upcoming budget cycle to aid the court in more promptly and effectively addressing domestic and juvenile cases.

During the one-year period from July 1, 2005 through June 30, 2006, Maryland Circuit Courts initiated or opened 127,974 family cases. This represented 65% of all civil legal matters and 46% of the total Circuit Court caseload.

Figure 20. Family Caseload as a Percentage of Overall Circuit Court Caseload - FY06

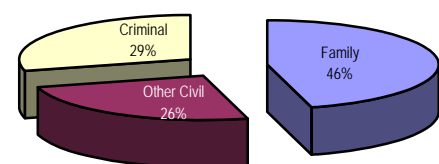


Figure 21. Family Case Types Heard by Maryland Circuit Courts - FY06

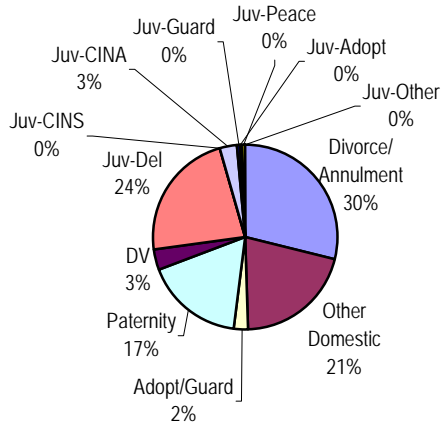
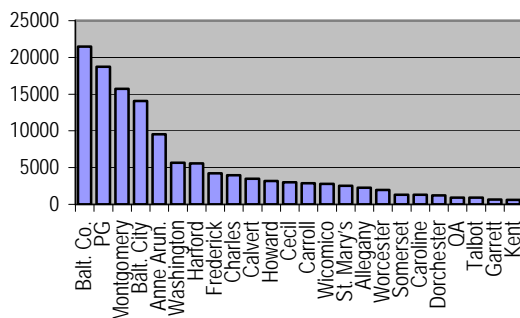


Figure 22. Relative Family Caseload by Jurisdiction - FY06



Keeping an Eye on the Time

During Fiscal Year 2006, Circuit Courts continued to monitor their compliance with **time-to-disposition standards** for a variety of case types. Annual time standards assessments are conducted and individual courts required to develop plans to improve their success rate in meeting standards for individual case types.

Courts continued to refine family case management practices to improve their ability to comply with those standards and to enhance the timeliness with which family matters are resolved. For example, the Circuit Court for Cecil County established a committee to develop a new **family law differentiated case management (DCM) plan**.

Many jurisdictions set a **scheduling conference** early in the pendency of the case, to initiate critical services and evaluations, and to ensure the matter proceeds quickly towards resolution.

The Circuit Court for Dorchester County uses regular **status conferences** to keep cases involving the self-represented moving forward. Another example of proactive case management occurs in Harford County where the Circuit Court clerk's office reviews cases that are eligible for a possible **Rule 2-507 dismissal** for lack of prosecution. The court sends a notice to litigants advising them that if they do not take further action the case will be dismissed. This has permitted many to take action necessary to advance their case, and has helped the court eliminate unnecessary backlogs. Many courts now make this a regular part of their case management routine.

Permanency planning liaisons regularly review CINA, TPR and adoption cases to ensure those cases are processed in a timely fashion, and in accordance with state and federal timelines.

Finally, a number of Circuit Courts convene **local juvenile task forces**. These committees provide an opportunity for a wide range of stakeholders to coordinate their efforts in better managing and serving youth alleged to have committed a delinquent act.

Child-Related Cases – Hearing and Resource Intensive

Cases involving children are often the most critical and require the most resources. The Circuit Court for Baltimore City reports that during Fiscal Year 2006, eighty-four percent (84%) of family division cases involved children.⁵

In the last several years, courts have been required to hold increasing numbers of hearings as federal and state statutes have been modified to require six-month reviews and more frequent court events to improve the monitoring of children in delinquency and child abuse cases. In addition the growth of problem-solving courts including juvenile and dependency drug courts, as well as truancy courts, has meant that courts hold more frequent hearings in cases where their oversight can make a difference.

Improving Discovery

At least one Maryland court has attempted to reduce the impact of discovery problems on case management and the timeliness of cases. The Circuit Court for Anne Arundel County developed a set of **discovery guidelines** and has trained local attorneys on the guidelines to aid counsel in the timely completion of discovery.

⁵ *Id.*, p. 5.

Table 2. Total Family Cases Filed or Reopened in Fiscal Year 2006

Jurisdiction	Divorce/ Annul	Other Domestic	Adopt/ Guard	Paternity	DV	Juv-Del	Juv- CINS	Juv- CINA	Juv- Guard	Juv- Adopt	Juv- Peace	Juv- Other	Total
Allegany	623	859	26	378	26	256	11	57	4	4	0	0	2244
Anne Arundel	3691	2204	341	848	315	1984	0	104	39	15	14	1	9556
Baltimore	4211	3233	280	951	509	4150	2	537	57	47	91	1	14069
Baltimore City	3234	1858	176	6269	220	7132	161	1652	260	280	217	14	21473
Calvert	872	808	31	1156	77	500	0	20	6	5	18	0	3493
Caroline	271	372	5	298	110	201	2	37	11	3	2	0	1312
Carroll	859	634	53	107	331	799	30	28	11	0	34	4	2890
Cecil	635	1262	37	477	172	311	0	87	8	8	0	3	3000
Charles	1051	926	39	721	276	884	0	32	30	17	0	1	3977
Dorchester	250	365	3	323	51	186	0	22	5	3	0	0	1208
Frederick	1316	1316	52	536	100	763	16	50	35	17	12	0	4213
Garrett	222	239	17	87	18	55	0	23	7	3	3	0	674
Harford	1577	1605	57	1109	304	701	0	159	27	20	22	0	5581
Howard	1212	645	49	306	118	769	0	40	10	5	8	0	3162
Kent	165	184	5	132	34	89	0	5	0	3	0	0	617
Montgomery	6234	1362	1763	1404	680	3877	0	266	31	15	89	0	15721
Prince George's	7146	3125	98	3198	654	4184	0	242	25	36	0	0	18708
Queen Anne's	287	248	10	137	12	197	0	14	3	2	0	1	911
Somerset	172	493	7	451	58	97	0	29	5	0	3	0	1315
St. Mary's	667	713	26	611	112	351	0	47	12	2	0	2	2543
Talbot	291	269	5	150	34	141	0	10	3	5	0	0	908
Washington	1115	2257	33	1181	44	728	2	247	13	25	12	0	5657
Wicomico	646	667	35	658	63	588	0	87	11	7	23	18	2803
Worcester	344	586	10	691	17	222	0	65	3	0	1	0	1939
Total	37091	26230	3158	22179	4335	29165	224	3860	616	522	549	45	127974

Standard 2.2 Protection of Victims of Domestic Violence

The practices and procedures of Maryland's Family Divisions maximize protection efforts for victims of domestic violence by ensuring access to the courts, coordination of other family matters with domestic violence proceedings, and by securing a comprehensive understanding of individual and family history relative to violent conduct. The Family Divisions conduct adequate, independent screening and identify important family needs via an established domestic violence protocol. Maryland's family divisions endeavor to hear all *ex parte* petitions for relief from domestic violence as soon as possible after the alleged victim's entry into the court facility.

Access to the Protection the Law Provides

Protective Order Advocacy and Representation Projects (POARP) and Related Programs

To enhance the safety of victims of family violence, Maryland's Circuit Court Family Divisions and Family Services Programs take extraordinary measures to ensure those victims can access the legal system to obtain protection.

All Maryland Circuit Courts refer victims to programs where they can receive assistance in developing a safety plan, legal advice, information and representation in a protective order hearing. All Circuit Courts also make referrals for abuser intervention programs and other treatment alternatives to address violent behavior.

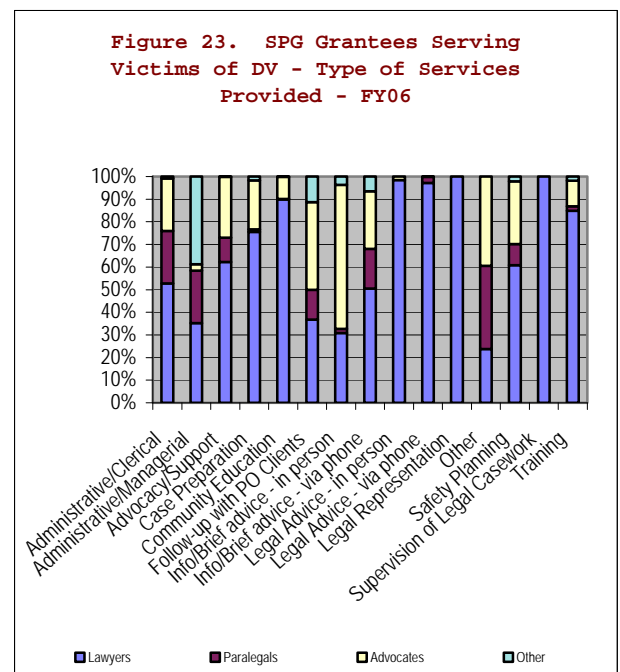
There can be many obstacles impeding a victim's ability to seek protection – the victim may be subject to the control of the abuser, forbidden to leave the house or watched constantly. Phone calls or access to a family vehicle may be restricted.

To eliminate as many obstacles as possible, a number of Circuit Courts provide on-site legal services programs for victims in the courthouse. Through Special Project Grants, the Department of Family Administration has extended the network of these Protective Order Advocacy and Representation Projects and projects operated under different names which provide a similar service. Operated by local domestic violence advocacy organizations, those programs have become a cornerstone of the safety net provided for victims through the Maryland Circuit Courts. Victims can meet with a paralegal or attorney, discuss the steps necessary to ensure their safety, obtain assistance in applying for a temporary protective order, and obtain representation at a subsequent protective order hearing – all without leaving the courthouse.

The Administrative Office of the Courts applied for and was awarded a VAWA STOP Grant commencing October 1, 2005, to fund an **Hispanic Outreach component** for the Prince George's county POARP project. Through that program a bilingual attorney enhances the program's ability to serve Spanish-speaking and immigrant victims of domestic violence.

Quality of Service for Victims of Family Violence

The Department of Family Administration collects data from Special Project Grantees serving victims of family violence to ensure that these programs are adequately serving the persons for whom they are intended.



24. SPG Grantees Serving Victims of Domestic Violence - Major Benefit Achieved - FY06

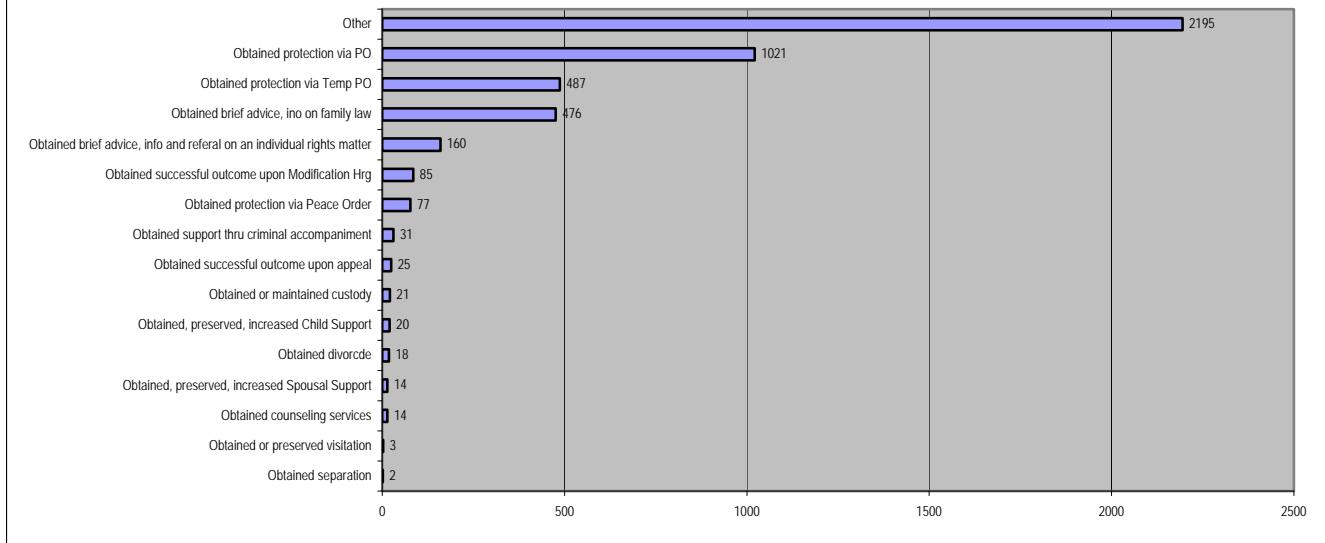
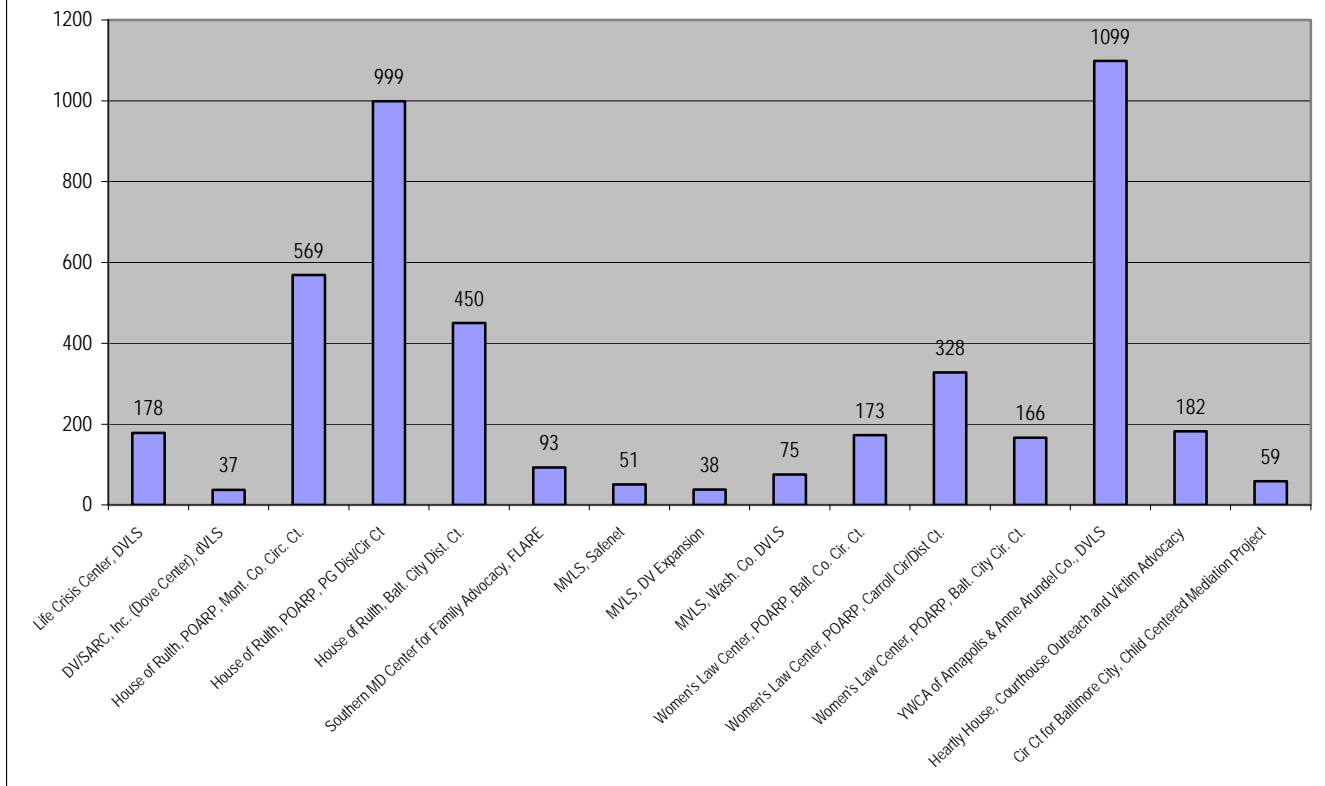


Figure 25. SPG Grantees Serving Victims of Domestic Violence - Cases Opened - FY06



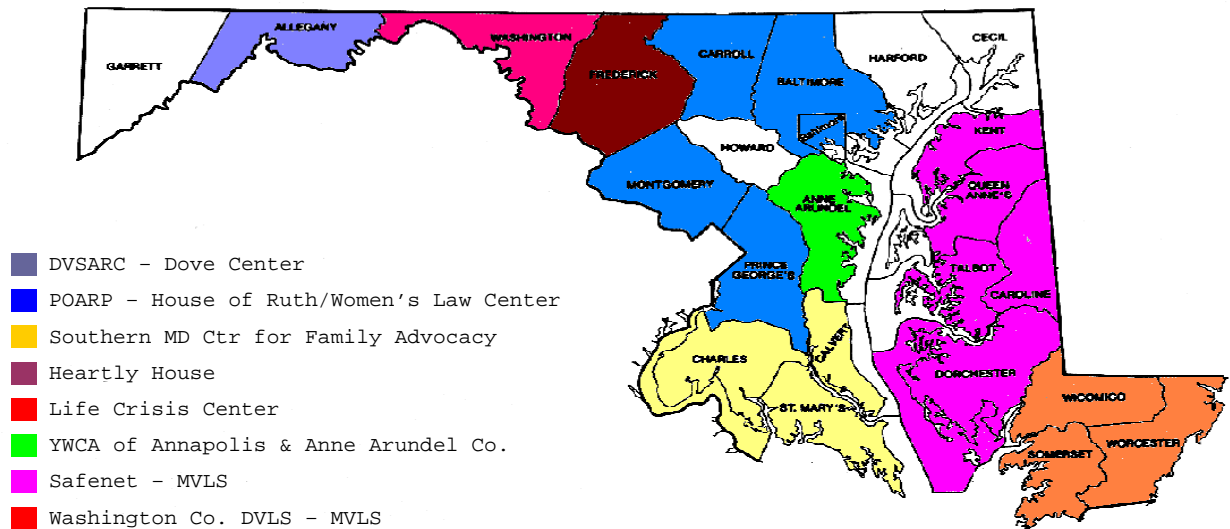
In follow-up interviews with POARP clients, the Women's Law Center found that:

- 99% would return to court if they needed protection from domestic violence.
- 86% said it was easier to use POARP services because they were located in the courthouse.
- 84% would have had a lawyer but for the

program. 100% would use POARP legal services again.

- 99% felt safer.
- 33% report violations of the protective order (67% report no violations).
- 14% report subsequent threats or violence (86% report no subsequent threats or violence)

Figure 26. SPG Grantees Serving Victims of Domestic Violence



Family Violence and Mediation

The Administrative Office of the Courts, with a variety of stakeholders including domestic violence advocates and Maryland's Mediation and Conflict Resolution Office (MACRO), has developed a set of **screening protocols and tools** to aid courts in making more appropriate referrals for mediation. The document, entitled *Screening Cases for Family Violence Issues to Determine Suitability for Mediation and Other Forms of ADR: A Screening Protocol and Tools for Maryland Circuit Courts*, has been distributed to judges, masters, clerks, coordinators, court professionals, self-help providers and mediators, and is available on the Judiciary's website.

A series of regional trainings were held during 2005 and 2006. Follow-up is planned to determine the extent to which the tools are being used by courts.

In addition to the protocols and tools, the Department of Family Administration worked with a variety of advocates to identify and **promote clear policies about when mediation may not be appropriate**. The Maryland Network Against Domestic Violence honored Chief Judge Bell in October, 2005, when he was given an award for his efforts to promote victim safety because of these initiatives. The members of the Domestic Violence Mediation Work Group were likewise honored with certificates of recognition.

Access to Orders and Case Information

\$1.4 Million Grant Awarded to Advance Statewide Domestic Violence Database

A new grant will permit the Administrative Office of the Courts (AOC) to complete the Statewide Domestic Violence Database, a project designed to have a broad range of benefits for victims. The Department of Family Administration was awarded \$1,439,736 under the federal Office of Violence Against Women's Grants to Encourage Arrest Policies Program. The award will permit the AOC's Judicial Information Systems (JIS) Department to complete a **comprehensive database of protective orders, peace orders and related case information**. Grant funds will be used to bring on additional staff at JIS to advance the project. A portion of the funds will be provided to the Maryland Network Against Domestic Violence to convene an advisory group including representatives from victim advocacy groups to ensure the project is developed in a manner that will benefit domestic violence victims.

The interactive database will house all protective and peace orders issued in the state. The Judiciary anticipates that its web-enabled interface will eventually permit law enforcement officers to access protective orders from the field. The system is being designed to interface with the Maryland Interagency Law Enforcement System (MILES) and the FBI's National Crime Information Center (NCIC) to enhance sharing of critical information and improve victim safety.

Standard 2.3 Processing Child Dependency Matters

The Family Division has jurisdiction over child abuse and neglect procedures so the court will manage and operate a system of case management standards and procedures that is reflective of the Foster Care Court Improvement Project (FCCIP) recommendations published in 1997.

The Judiciary's efforts in serving the needs of child victims of abuse and neglect continues to be driven by the work of the Foster Care Court Improvement Project (FCCIP) Implementation Committee and its various subcommittees.

During Fiscal Year 2006, the FCCIP continued to meet and work on a variety of fronts towards reform efforts to improve the Judiciary's ability to respond to the needs of Children in Need of Assistance.

Key Child Welfare Innovations

Model Court Programs

Under the leadership of the FCCIP, the Judiciary has contracted with the National Council of Juvenile and Family Court Judges (NCJFCJ) to create **two Model Courts – in Baltimore City and Charles County**. Lead judges in both jurisdictions have been identified and a preliminary site visit by NCJFCJ staff occurred in May 2005. FCCIP staff and representatives from both jurisdictions participated in the NCJFCJ annual all-sites conference in October, 2005. Since that time, both jurisdictions have been actively planning and implementing initiatives for their respective courts.

Dependency Mediation and Drug Court Programs

Small state grants to start and sustain dependency mediation programs have been awarded to 14 Maryland jurisdictions.

Juvenile courts have also been awarded grants to assist in newly developed dependency drug court programs. There are now four Family Dependency Treatment Courts in various stages of operation or planning.

Capturing Additional Resources – New Federal Funding to Enhance Training, Data Collection

The FCCIP applied for and was awarded additional funds under the federal Deficit Reduction Act. These funds will focus on enhancing the collection and analysis of child welfare data and improving training efforts.

Currently, the FCCIP is making plans as to how the awarded funds will be used.

Improving Consistency and Performance

FCCIP Jurisdictional Site Visits

As a follow up to regional multi-disciplinary training meetings, the FCCIP has begun conducting jurisdictional site visits. The site visits are an opportunity for the Foster Care Court Improvement Project to assist courts with implementing child welfare best practices as well as other initiatives. The goals of the site visit are to collect additional statistical data, to substantiate preliminary results of the workload assessment, and to provide technical assistance in those areas identified.

During the visits, FCCIP staff met with administrative judges, juvenile judges, masters, attorneys, clerks and DSS representatives to obtain their assessment of the juvenile court practice. Additional information was collected by observing court proceedings, reviewing court files and comparing data reports. After the visits, courts will be provided with a summary of what strengths/needs have been identified, as well as a list of recommendations.

FCCIP began the site visits in March, 2006, and completed the visits in December, 2006.

Implementation Committee

The Implementation Committee is the oversight committee of the FCCIP. The Honorable Patrick L. Woodward, Court of Special Appeals, continues to chair this committee. The Honorable David W. Young, Circuit Court for Baltimore City, was recently appointed to the position of Vice-Chair. Recently, the Implementation Committee has expanded its membership to enhance collaborative relationships among key stakeholders. This action was taken as a direct response to the National Judicial Leadership Summit's Child Welfare Action Plan. The Implementation Committee continues to oversee and approve the work of the various subcommittees. It is responsible for oversight of grant expenditures and setting the vision for the FCCIP.

The Implementation Committee is also responsible for overseeing the implementation of the Title IV-E and Child and Family Services Review (CFSR) court-related program improvement plan items, as well as the Maryland Child Welfare Action Plan developed as a result of the *National Judicial Leadership Summit for the Protection of*

Children, sponsored by the National Center for State Courts (NCSC) and the National Council for Juvenile and Family Court Judges (NCJFCJ). Additionally, the committee continues to support new initiatives that further the goal of improving the court's processing of CINA cases.

Reassessment

The American Bar Association (ABA) completed an evaluation of the state's Court Improvement Project in July, 2004. Although most of the recommendations of the evaluation/assessment have been incorporated into its Strategic Plan, the FCCIP continues to monitor progress to ensure all recommendations are addressed.

Measuring Judicial Workload

FCCIP continued its efforts to understand child welfare caseloads in the court to ensure sufficient judicial resources. The FCCIP staff worked with the National Council of Juvenile and Family Court Judges (NCJFCJ) Permanency Planning Department to modify the Court Performance and Workload Assessment Worksheets developed by the American Bar Association Center, the National Center for State Courts and the NCJFCJ. The worksheets, as well as the formula were derived using the specifications in the publication, *BUILDING A BETTER COURT: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases*. The worksheets were completed by judges, masters, attorneys and clerks throughout the State.

The University of Maryland School of Social Work completed an analysis and provided a final report in September, 2005. The report identified the need for additional judicial resources in the state. With the help of the University of Maryland, FCCIP is now implementing Phase II of the assessment which includes site visits, court observation, file reviews and focus groups.

Judiciary Involvement with the CFSR and Title IV-E Process

Title IV-E Review

From June 27, 2005 to July 1, 2005 the Administration for Children and Families (ACF) conducted the secondary eligibility review of the State's Title IV-E foster care maintenance program for the period of April 1, 2004 to September 30, 2004. Fortunately, Maryland was found to be in substantial conformity after the secondary review. Mr. Lett, ACF Regional Administrator, indicated "dramatic improvement when compared with the results of the initial primary review."⁶ Improvement was

especially noted in the courts' orders. The report indicated that "specifically as it relates to judicial determinations regarding the State agency's reasonable efforts to finalize the permanency plan, many high quality orders were seen..." Also, "some very fine examples of court-approved permanency plans for older children were noted, particularly in the Baltimore City sample cases."⁷

FCCIP efforts to assist the State, and more specifically the court, with accomplishing the aforementioned strengths were:

- Sponsored a second round of **regional multi-disciplinary trainings** throughout the State to inform and educate all stakeholders about the requirements as well as to address practice issues that affect compliance;
- Disseminated updated and revised **uniform court orders** with requisite language and instructions to meet State and Federal laws;
- Resumed clerk and other **court personnel training** on uniform terminology, hearing outcomes, and new State statutory requirements;
- Provided **technical assistance** to individual jurisdictions upon request as a follow up to regional multi-disciplinary training meetings and on-site visits;
- Worked with internal information systems staff to **implement uniform court orders into the automated system** and on the Judiciary website;
- **Presented both the initial and secondary review findings** to the Maryland Conference of Circuit Judges to enlist their support in implementing change throughout the State;
- Currently conducting **jurisdictional site visits** of local juvenile courts; and
- Facilitated the implementation of **Model Courts** in two jurisdictions.

As a result of this significant improvement, Maryland will not have to submit to another review until Federal Fiscal Year 2008.

CFSR Review and Subsequent Program Improvement Plan (PIP)

Maryland completed its on-site Child and Family Services Review (CFSR) in November, 2003, and the final report was issued in June, 2004. Since that time, Maryland has entered into a two-year period during which it is required to implement a Program Improvement Plan (PIP). That period ends March, 2007. The FCCIP has been actively involved in the on-site review and the development and implementation of the PIP in the following ways:

Maryland Department of Human Resources. September 29, 2005, page 1.

⁷ Lett, D. *Maryland Title IV-E Foster Care Secondary Eligibility Review Period Under Review: April 10 to September 30, 2004*, p. 7.

⁶ Lett, D., Department of Health and Human Services, Administration for Children and Families, Regional Administrator. Letter to Secretary Christopher McCabe,

- Sponsored two series of **regional multi-disciplinary training** meetings to address practice issues that affect compliance.
- **Worked closely with the Baltimore City DSS preparation team** by sitting on the case review system subcommittee, and arranging interviews for the judge, master, and attorneys during the on-site review;
- **Worked with the lead judges and masters** in the three site areas to educate them about the CFSR process. This included arranging a training program for them given by a DSS manager;
- Provided a **session on the CFSR at the annual judicial conference**;
- Participated with the **on-site review**;
- Participated on the **State review team**;
- Participated on the **PIP Executive Committee** and various subcommittees;
- Requested and received **input from the courts** on the development of the CFSR PIP;
- Participate on the **PIP Steering Committee**;
- Co-chair the **Legal and Court Practice Subcommittee**;
- **Incorporated priority areas** into existing FCCIP committee structure;
- Participated at the **Program Improvement Plan Annual Federal and Regional Site Visit.**;
- Submitted **revisions** to be included in the Maryland PIP that more accurately reflect the FCCIP and the Legal and Court Practice Committee initiatives.
- Developed the Maryland's **Best Practices Manual** as a primary initiative to address many of the issues outlined in the court related portions of the PIP.

The CFSR PIP initiatives have been incorporated into the FCCIP strategic plan and will be an ongoing initiative of the FCCIP. The FCCIP staff continues to work closely with the agency through monthly meetings, conference calls, report submissions, etc. and informs the courts and other stakeholders of its initiatives and progress through various memorandums, reports, summaries and Department of Family Administration newsletters. This includes updates on the Title IV-E and CFSR initiatives.

Legislative Subcommittee

In the Fall of 2005, the FCCIP Implementation Committee renamed the CINA Subcommittee the Legislative Subcommittee. The new title more accurately reflects the scope of the work of the subcommittee which focuses not just on CINA but on TPR, adoption and guardianship issues as well. The Legislative Subcommittee was chaired by the Honorable Pamela L. North, Circuit Court for Anne Arundel County. The subcommittee currently consists of judges, masters, attorneys, representatives of social services agencies, a representative of the Citizen's Review Board and other experts in the child welfare field in Maryland.

In 2005, the Legislative Subcommittee orchestrated the submission of legislation that revised Maryland's **TPR/adoption statute**. The bill was signed by the Governor on May 26, 2005, and became effective January 1, 2006. The separation of the statute into three (3) subtitles, DSS-Related TPR and Adoption Proceedings, Private Child Placement Agency Guardianship and Adoption Proceedings, and Independent Adoptions Proceedings, affords judges, masters, practitioners, and others the ability to look in one section and chronologically follow the legal process for the type of proceeding in which they are involved.

A workgroup from the Legislative Subcommittee developed **training materials for all stakeholders on the new law**. Judges, masters and attorneys were trained on the new statute during the annual conference that was held in October, 2005. Additionally, juvenile clerks were trained on the new statute in December, 2005, and January, 2006.

The Legislative Subcommittee also completed some **revisions of the TPR/adoption statute** in 2006. The purpose of the revisions were to clarify additions to the statute, restore provisions of the law omitted inadvertently through the bill drafting process or enactment, to clarify language in the statute making it consistent and clear to practitioners, to make adequate provisions parallel throughout the statute and to restore a section specific definition. These amendments were signed by the Governor on May 9, 2006, and became effective June 1, 2006.

A workgroup from the Legislative Subcommittee has revised and updated the Maryland Rules to coincide with the new TPR/adoption statute. This process included creating consent forms which are easy to understand by practitioners and litigants, including children. They will promote consistency and afford the courts and practitioners with the guidance in this very complicated area of the law to ensure sound judicial outcomes. The Judicial Conference Rules Committee approved the new rules in May, 2006. The revised rules are currently pending before the Court of Appeals.

Currently, the Legislative Subcommittee is working on revisions to the CINA Statute. The subcommittee will continue its comprehensive review of the current statute and plan to present more extensive revisions in future legislative sessions.

Representation, Practice and Procedure Subcommittee

In Fall, 2005, the FCCIP Implementation Committee changed the Representation Subcommittee's name to the Representation, Practice and Procedure Subcommittee in order to be more reflective of the activities of the subcommittee in its efforts to ensure that all parties are adequately represented. The Representation, Practice and

Procedure Subcommittee continues to be chaired by the Honorable Katherine P. Savage, Circuit Court for Montgomery County.

Training Programs for Counsel

This year a central focus of the Representation, Practice and Procedure Subcommittee was on ensuring that all counsel are adequately educated and trained. The **3rd annual attorney training** was held in October, 2005, for all attorneys. The attorney training concentrated on the State's new adoption and guardianship law, *Permanency for Families and Children Act of 2005*. Additionally, all attorneys were invited to the **Multidisciplinary Day of the 8th Annual Child Abuse and Neglect Judicial Conference in October, 2005**.

The subcommittee planned and implemented the **4th Annual Attorney Training** in October, 2006. This was a full day training held for attorneys geared towards CINA and TPR practitioners, and included sessions on *Trial Skills, the Appellate Process, and Permanency Issues*.

The subcommittee also continues to promote and encourage private attorneys to represent parents. In June 2006, the FCCIP sponsored in conjunction with the Office of the Public Defender another full day **training program for attorneys interested in representing parents in Termination of Parental Rights Matters**. In exchange for attending this free training program, attorneys agreed to sign up to handle at least one case.

Appellate Issues

The subcommittee continues to work on ensuring a better appellate process for the child welfare cases. The Subcommittee has been meeting with the Clerk of the Court of Special Appeals (CSA) to work out some administrative barriers that may be occurring. The FCCIP hired a legal intern to **gather information tracking CINA and TPR cases through the appellate process** to better ascertain potential barriers to a timely appeals process in these cases.

Additionally, the subcommittee redrafted the **Notice of Appeal Form** to assist in ensuring that CINA and TPR matters are properly directed through the State's expedited appeals process.

Standards of Representation

Standards of Representation for agency counsel and parents counsel are being drafted by the Representation, Practice and Procedure Subcommittee. The subcommittee is working with agency attorneys to draft **guidelines of representation for agency attorneys**.

Statistics Subcommittee

Judge Woodward continues to chair the Statistics Oversight Subcommittee. Master Peter Tabatsko, Circuit Court in Carroll County, continues as the Vice Chair. The Statistics Oversight Subcommittee continues efforts in conjunction with the MAJIC contractor to collaborate with each of the four system operators to monitor the integration of dependency data in Maryland. The most significant initiative involves gaining access to the Judicial Information System (JIS) server to receive and house all data. The overall goal is to produce reliable statewide child welfare data, however, the Statistics Oversight Subcommittee has also begun encouraging individual courts to monitor their own performance in the area.

In 2001, the Judiciary began implementation of Case Time Standards in certain case types for the Circuit and District Courts. The child welfare cases had not initially been included. In 2004, the Judiciary expanded the Case Time Standards initiative to include the child welfare cases. Data definitions have been developed and the first assessment of child welfare data occurred September, 2005, through November, 2005. A final report was produced in December, 2005. The report has provided the necessary impetus for courts to begin to utilize their individual MIS system reporting capabilities and learn what specific statutory time standards the court is not meeting. FCCIP is also working more closely with courts through the site visits to promote implementation of data quality assurance initiatives and to provide technical assistance when needed.

Data Entry Training Programs

Training programs for clerks and other court personnel have continued during this reporting period. The 2005 training series was divided up into a beginner's training and a more advanced clerk's training. The Fall, 2006, course addressed gaps in the training of court personnel on specific issues identified through FCCIP site visits as impacting data quality and addressed the level of compliance with statutory time standards, the number of families experiencing dependency cases, and the amount of time children are spending in the foster care system.

Uniform Court Orders

The Statistics Oversight Subcommittee completed the revision of the Uniform Court Orders in February, 2006. The revised court orders include language to alert the users about the ASFA exceptions. The revised orders have been disseminated on diskette and published on the Judiciary website. Automated court orders were developed for use by courts on the UCS system and a pilot training and implementation initiative began in Fall, 2006.

Quality Assurance

An on-site review committee and protocol was developed by the Statistics Oversight Subcommittee. The on-site review is assisting the FCCIP in determining whether accurate information is being recorded and also is providing the FCCIP and JIS staff useful information as to whether technical assistance to the end users of the database systems is needed.

New Case Management System

Efforts are also underway with JIS to develop a technical document for dependency cases which will be used by JIS to develop the request for proposal for a new statewide information system. The technical document will include CINA, TPR and adoption case flow diagrams, a data definition dictionary and functional requirements such as how the interface will look and function. The case flow diagrams and data definition dictionary are currently in the review stage.

Training Subcommittee

Conferences

The Training Subcommittee sponsored its **9th Annual Child Abuse and Neglect Judicial Conference** on October 16-18, 2006, at the Harbortowne Conference Center and Resort in St. Michael's, Maryland.

The focus of this year's conference continued to be on the results of Maryland's CFSR and ways to improve in the areas identified as needing improvement. A great deal of focus was placed on establishing permanency for youth. Juvenile judges, masters, attorneys, state and local agency staff, CASA representatives, representatives from the Citizens' Review Board for Children, education, and mental health advocates were invited to the first day of the conference. Some of the featured topics included APPLA, Concurrent Planning, Aging Out, Gender Specific Issues, Barriers to Adoption, Dually Adjudicated Youth, and other nuts and bolts sessions.

Judicial Institute Courses

The FCCIP continued to sponsor training programs through Maryland's Judicial Institute during this reporting period. In March, 2005, a full day beginner's dependency training program was held. In September, 2006, an intensive full day session on the new TPR/Adoptions Statute was offered.

Maryland Child Welfare Bench Book Revision

The FCCIP Training Subcommittee in collaboration with the National Council on Juvenile and Family Court Judges (NCJFCJ) has begun working on making revisions to the existing Maryland Child Welfare Bench Book originally produced in 2000.

Standard 2.4 Resolution of Juvenile Delinquency Cases

All juvenile delinquency cases are resolved in a prompt and thorough manner within the Family Division, according to the Constitutions of the United States and the State of Maryland, statutory law, and precedent in order to protect society while applying the means necessary to adequately address the developmental needs of the child before the court.

Juvenile Law Subcommittee

The Juvenile Law Subcommittee of the Judicial Conference Committee on Family Law remains active, tracking and reviewing legislation that affects Maryland's juvenile justice system, providing policy guidance on juvenile issues and planning and hosting the **"delinquency day" at Maryland's Child Abuse, Neglect & Delinquency Options (CANDO) Conference**. The 3rd annual "delinquency day" was held in October, 2005, which featured key speakers from the Department of Juvenile Services, including Secretary Kenneth Montague, as well as a researcher from the National Institutes of Health who provided a keynote address on adolescent brain development.

The Juvenile Law Subcommittee has also continued collaborating with the Department of Health and Mental Hygiene to implement the **new juvenile competency bill** passed during the 2005 legislative session. Judges and masters attended a training session during Fall, 2005, on the new competency bill and worked during 2006 on the implement of the second bill passed during the 2006 session which provides more details on how the competency evaluations and additional services are to be implemented.

ASFA Compliance in Delinquency Matters

The Department of Family Administration continues its efforts to improve the courts' ability to comply with the

Adoption and Safe Families Act (ASFA) in handling delinquency matters. ASFA, enacted in 1997, amended federal foster care laws to emphasize child safety, permanency, and well-being. States who comply with these provisions are eligible for federal foster care matching funds.

There are many children involved in the juvenile justice system who have been or will be placed in foster care at some time, or who will at some point receive services through the child welfare system. States are eligible for federal foster care matching funds for delinquent youth in the foster care system. Because a child who has been removed from the home in a delinquency case may someday end up in a foster home or child care institution, and because many of the findings required by ASFA must be made the first time a child is removed from the home, those findings must be made in a detention order or other court order as a part of the delinquency case. This ensures that the state can at some point receive federal foster care funds.

To aid the Department of Juvenile Services in accessing those funds, the Maryland Judiciary has developed a set of form orders for statewide use. The **uniform delinquency orders** will help ensure that courts are making appropriate findings required under ASFA. The Judiciary also used the 2005 CAN DO conference as an opportunity to **train judges and masters** in how to ensure they are following ASFA in handling delinquency matters. An additional seminar is scheduled for February, 2007, to train court staff to ensure orders are properly prepared.

Local Efforts to Improve the Court's Response to Juvenile Justice Issues

Juvenile Drug Courts

With the help of the Maryland Drug Treatment Court Commission, a number of Maryland Circuit Courts continued to plan for and launch juvenile drug courts. There are **fourteen juvenile drug courts** currently in operation.

The Circuit Court for Baltimore County, which operates its juvenile drug court in two locations, graduated 20 youth from the program in Fiscal Year 2006. That program served a total of 54 individuals during the year, providing the following services:

- 732 individual counseling sessions
- 1,595 face-to-face contacts between a juvenile drug court team member and a youth
- 352 parent to team members contacts
- 225 family counseling sessions
- 399 adolescent group meetings

- 805 individual review hearings with a 98% attendance rate
- 2,465 urinalysis specimens collected with only 15% testing positive for drugs.⁸

Some juvenile drug court participants have to overcome a range of barriers to attend the frequent review hearings that make the drug court experience unique. In St. Mary's County, the Circuit Court provides **transportation to youth involved in the drug court** to ensure their regular participation.

Truancy Courts

The 1st Circuit continued to refine its **Truancy Reduction Pilot Program** throughout Fiscal Year 2006. In addition to Wicomico County Circuit Court, which began hearing cases in January, 2006, Dorchester came on board in Spring, 2006 and Somerset in Fall, 2006. The Circuit Court for Worcester began in January, 2007. The court provides a problem-solving forum for addressing the underlying issues that prevent children from regularly attending school. The specialized problem-solving court is empowered to hear civil status offenses brought against truant children and criminal misdemeanors brought against parents. The court has a range of dispositions it can impose. Those measures, along with incentives, sanctions and monthly court appearances are designed to improve the child's attendance, achievement and attachment to school.

Other courts have experimented with less formal approaches to truancy. In the Circuit Court for Prince George's County, Judge Melanie Shaw-Geter launched an **educational program for parents**, to reinforce the benefits of sending their children to school.

Addressing Unique Geographic Needs – Ocean City

Worcester County faces some unique challenges in managing its caseload. For most the year, it is a relatively rural community with a population of approximately 43,000. During the Summer months, however, the population of Ocean City swells to 250,000-300,000, and with it the demands on the court. Each Summer the court sees a spike in juvenile crime, domestic violence, runaway youth, homelessness and temporary workforce issues.⁹ To address the increase in juvenile issues, the court launched two new programs in Fiscal Year 2006. With assistance from the Maryland Drug Treatment Court Commission, the court began both a **juvenile drug court**

⁸ Circuit Court for Baltimore County, *Family Division Annual Report – Fiscal Year 2006*, October 25, 2006, p. 15.

⁹ Anne C. Turner, *Annual Report on Family Support Services for the Circuit Court for Worcester County*, October 15, 2006, p. 1.

and an **adult drug court**. A regional drug court coordinator serves this program as well as other drug courts in the 1st Circuit.

That court has also been planning to implement its own **truancy court** as a part of the 1st Circuit Truancy Reduction Pilot Program. After months of planning during Fiscal Year 2006 and 2007, the program heard its first cases in January, 2007.

Worcester County Circuit Court also collaborates with the local Health Department and Core Service Agency to fund the “**Alternative Directions**” program at the Department of Juvenile Services, through which youth are provided a **complete psycho-social evaluation**, including mental health and substance abuse diagnoses. This program has enhanced access to evaluations for youth.

Stakeholder Collaboration

Many courts continue to convene and /or participate in local juvenile justice coordinating councils. These local stakeholder groups have often been the impetus for new case management and specialty court innovations. In August, 2005, the Circuit Court for Kent County joined the ranks of those courts involved in such groups by launching the **Juvenile Coordinating Council (JCC) for Kent County**. The group began by examining what role alternative dispute resolution might play in delinquency matters. JCC members explored and were trained in techniques of **community conferencing** by Dr. Lauren Abrams of the Community Conferencing Center in Baltimore.

Standard 2.5 Coordination of Family Legal Issues

The Family Divisions assess and identify all court matters relating to the same family in a timely and expeditious manner. In doing so, the Family Divisions apply uniform criteria for determining the need to coordinate or consolidate those matters in order to refer all matters involving the same family to the same judge or to the same case management personnel or team.

A Team Approach

Each jurisdiction has assembled a team of professionals to serve the needs of families and children. Those individuals may include family support services coordinators, parent educators, mediators, mental health professionals, custody evaluators, juvenile court coordinators, permanency planning liaisons, domestic violence coordinators, masters and judges. Typically, each administrative judge appoints a **Family Division Judge-in-Charge** who provides guidance and direction for the court’s Family Division. Most Family Divisions hold regular meetings where information can be exchanged and policies developed.

Casesearch

The Judiciary has launched a new application which makes it much easier for court staff as well as members of the public to access information about related cases. The **Casesearch** feature, available through the Judiciary’s website, provides basic information on all Maryland cases. A single data warehouse collates data from the various information systems operated by the Maryland courts. District and Circuit Court information alike is

available. Court employees will soon have access to data in greater depth than members of the public once security issues are effectively addressed.

Improving Communication in Family Violence Cases

When the safety of family members is an issue, the coordination of information about those cases is especially important. To improve the ability of varying courts to communicate and coordinate their efforts in managing family violence cases, the Judiciary has undertaken an important information technology project. Judicial Information Systems (JIS) has continued working towards the development of a **single, integrated, web-enabled centralized database of all domestic violence cases**.

The Administrative Office of the Courts was awarded a **\$1.4 million grant under the Grants to Encourage Arrest Policies Program** of the federal government, to advance the project. The two year grant should permit the project to accomplish most if not all of its goals. A stakeholder advisory group will be convened to consult on the project to ensure it benefits victims.

Equality, Fairness and Integrity

A judicial system derives its power from the consent of the people it serves. It can only win that consent if it dispenses justice in a manner that is, and that is perceived to be, equitable, fair and imbued with integrity. Maryland courts guard that trust by managing processes where all litigants, regardless of their position or representational status, can have a fair hearing. The courts also work with agency partners to improve the effectiveness and enforceability of court orders. Finally, Maryland Family Divisions work to ensure equitable treatment for those working within the justice system, including court professionals.

Standard 3.1 Integration of Related Family Matters

Family Division litigants have enhanced ability to comply when there is integration of related matters so that changes or conflicting orders are minimized. Moreover, *pro se* litigants are afforded a uniform intake process that includes a uniform mechanism for case reception and establishment.

Promoting Consistency of Practice

Uniform Orders

Maryland's Family Divisions promote consistency of practice by making available several bodies of uniform forms – for use by litigants, agency professionals and courts alike. The **Domestic Relations Forms** are uniform pleadings used by thousands of self-represented litigants each year. This large body of forms is distributed through a network of Family Law Self-Help Centers, where the self-represented can obtain assistance. Pleadings and other key forms are available for most family law case types.

To aid courts and agency partners in complying with various federal and state laws, the Department of Family Administration and its Foster Care Court Improvement Project have developed **uniform orders for use in CINA and delinquency matters**. These orders have been

distributed to all judges and masters, and are available on the Judiciary's website. The CINA orders have been incorporated into the state's case information system, UCS, so that orders can be automatically generated in the courtroom or in chambers.

A Joint Forms Committee of the Administrative Office of the Courts and the District Court, has developed and maintains a set of **uniform orders and forms for use in protective order cases**. These forms are likewise available online for use by litigants and their attorneys. Uniform orders are prepared through the District and Circuit Court case management systems and can be generated automatically in the courtroom in nearly all jurisdictions.

Sample case management orders, are also available for court use in the Judiciary's website.

Best Practices and Technical Assistance Publications

The Department of Family Administration has worked over the last several years to develop standards, guidelines and best practices for the various services offered through the courts. Working with large groups of internal and external stakeholders the department distributes and educates court staff on the following:

- *Best Practices for Family Court ADR Programs*
- *Best Practices for Programs to Assist Self-Represented Litigants in Family Law Matters*
- *Screening Cases for Family Violence Issues to Determine Suitability for Mediation and Other Forms of ADR: A Screening Protocol and Tools for Maryland Circuit Courts*
- *Maryland Judge's Domestic Violence Resource Manual*

- *Guidelines of Advocacy for Attorneys Representing Children in CINA and Related TPR and Adoption Proceedings* (published as an Appendix to the *Maryland Rules*).

Other best practices documents and guides are under development including:

- *Maryland Guidelines of Practice for Court-Appointed Lawyers Representing Children in Cases Involving Child Custody or Child Access* (currently pending before the Court of Appeals for possible inclusion in the *Maryland Rules*).
- *CINA/TPR Best Practices* – to be published with the revised Child Welfare Benchbook
- Standards for Child Custody Evaluations – which are being developed by the Custody Subcommittee of the Committee on Family Law
- Standards and/or authorization legislation for Parenting Coordination, also a project of the Custody Subcommittee

Standard 3.2 Fairness and Equality for Court Staff

The Family Division observes standards of fairness and equality for all staff of the court, including those who provide services to litigants in the Family Divisions.

Promoting Uniformity in a Decentralized System

While the Circuit Courts remain substantially locally funded, a number of significant segments of the family justice system have come under state control and responsibility. This has permitted the Judiciary to develop uniform positions, grades and salaries. Judges, elected clerks and their staff have long been State employees. Within the last five years, masters and law clerk positions have been assumed by the State. Uniform position descriptions, grade structures and salaries have been developed for those positions. While some masters remain county employees, the county is compensated at the standard rate for those positions and when those positions become vacant they become State positions.

Even when positions remain under local government control, Family Division/Family Services funding is leveraged to promote consistency. For example, a recommended job description and qualifications have been provided for family support services coordinators and permanency planning liaisons.

Through site visits, orientations and regular statewide meetings the Department of Family Administration promotes uniformity of practice and works with the wide range of individuals who work in family divisions.

Improved Policies for State Employees of the Judiciary

The management of the Judiciary's Human Resources Department has been regularized over the last several years. Employee committees guide that department in the development of policies and practices to benefit employees and retain committed staff within the courts.

Providing An Even Chance

Fair Processes for Potential Contractual Providers

As a condition of accepting Family Division/Family Services Program grants, individual jurisdictions must agree to comply with local procurement practices to ensure that all contracts are bid fairly and equitably. Because most local governments have minority business enterprise (MBE) programs, this should mean that contracts are being awarded in a way that promotes the minority-owned businesses in the State.

In reviewing grant reporting Family Administration staff often raise these issues with the courts to ensure compliance with the requirement. Grantees are also subject to periodic audits and management reviews to ensure their compliance with all grant requirements.

The Department of Family Administration follows the AOC's procurement practices that include an active MBE program.

Fair Practices in Awarding Grant Fund

The Department of Family Administration publishes Notices of Funding Availability for Special Project Grants

in the *Maryland Register*, and distributes copies widely to a broad range of potential grantees. An internal committee reviews grant proposals. The Department of Family Administration is regularly subjected to internal as well as legislative audits. During the fiscal year, the Administrative Office of the Courts hired a grants administrator who is providing consulting assistance to the Department of Family Administration to aid us in improving our grant-making policies and practices.

Standard 3.3 Responsiveness to Child Support Issues

The Family Division responds to any court-focused child support initiatives from the Maryland legislature in a manner that facilitates an equal and fair response to all parties in child support issues.

Legislative Initiatives

Establishing Support without Litigation – A New Administrative Process for Support and Modifications

The Judiciary has been collaborating with the Child Support Enforcement Administration (CSEA) on implementation of a new bill which took effect January 1, 2007. The bill permits local child support offices to use an administrative process for establishing child support by consent. While the agency hopes to eventually take full advantage of the law, the new procedures will be rolled out slowly with an initial pilot commencing in early 2007.

The law, which passed during the 2006 legislative session as House Bill 272, permits the local child support office to have parties execute an "affidavit of support" if they agree upon a child support amount. The affidavit is filed with the court after a 60-day period passes during which either party may rescind their consent. No petition is filed and no hearings are held.

The affidavit becomes effective and is fully enforceable upon execution, i.e., when the parties sign it, even before it has been filed with the court. This is intended to permit the local support office to issue an immediate earnings withholding notice and expedite initial payments. This will help prevent new payors from building up arrearages due to delays in getting earnings withholding initiated.

The new administrative process can only be used where paternity has already been established and where both parties have agreed upon the terms of support. The non-adversarial process is intended to eliminate unnecessary litigation between family members, promote parent-child relationships, and reduce family conflict.

Deviations from the Guidelines. The local support office may negotiate a support amount that deviates from the child support guidelines if they determine application

of the guidelines would be unjust or inappropriate in that case. The administration must make a "written finding on the record" stating the reasons for departure from the guidelines. That finding must take a specific form as detailed in Md. Code, Fam. L. § 10-1A-02(A)(2).

Modifying Prior Court Orders. An affidavit of support process may also be used to modify a prior court order governing child support. A properly executed affidavit of support will supercede the prior court order unless and until overruled by a tribunal.

Forms and Filing. The Child Support Enforcement Administration has developed a standardized form for use by local offices in drafting affidavits of support.

Child Support Subcommittee

The **Child Support Subcommittee of the Judicial Conference Committee on Family Law** reviews pending legislation and considers legislative reform and policies that will improve the Judiciary's ability to ensure that children receive the financial support they need. In Fiscal Year 2006, the Honorable Julia Weatherly, Circuit Court for Prince George's County, chaired this subcommittee.

During Fiscal Year 2006, the subcommittee met with Secretary of the Department of Human Resources (DHR), Christopher McCabe, and key DHR and Judiciary staff to review and support the promotion of **family employment support programs**. These programs aid payors in expanding job skills, finding employment and enhancing their ability to pay child support.

Maintaining Court Expertise

The Judiciary has a number of mechanisms to ensure that judges, masters and court professionals maintain their knowledge of child support matters and recent legislative changes. A **summary of new bills that became law** and **case law updates** are included regularly in *Family*

Matters, the newsletter of the Department of Family Administration.

The Judiciary also uses child support incentive funds, received under its Title IV-D contract to send approximately 60 clerk's office employees, masters and judges to the annual **Maryland Joint Child Support Conference** held each year in Ocean City. The Judiciary's Child Support Incentive Funds Committee each year has planned training modules at the conference for clerks and masters. During Fiscal Year 2006, that committee also awarded a **grant to the Maryland Joint Child Support Conference Committee** to provide the **keynote speaker** for the event.

Securing Resources and Funding Innovation

Title IV-D Contract

Each year the Maryland Judiciary negotiates a contract with the Child Support Enforcement Administration to receive **federal funding, under Title IV-D** of the Social Security Act, which pays, in part for the handling of child support establishment, enforcement and modification. The Department of Family Administration continues to administer this contract on behalf of the Judiciary.

Child Support Incentive Fund Committee

The Maryland Judiciary receives some "incentive funds" in addition to the federal dollars provided under the Judiciary's Title IV-D contract. The **Child Support Incentive Fund Committee of the Conference of Circuit Court Clerks** issues notices of funding availability and solicits applications from within the Judiciary to determine how those dollars will be spent to enhance the child support enforcement system.

In addition to sending court staff to the annual child support conference, funds have also been provided for programs that enhance a number of child support innovations.

Supporting Non-Custodial Parents and Their Families

Employment Services for Payors

The Circuit Court for Baltimore County continues to operate its **Family Employment and Support Project (FESP)**. The program combines court oversight, case management, employment referral and employment training to get non-custodial parents who have been delinquent with child support payments back on track, financially contributing to the well-being of their children.

Participants are required to meet weekly with a court employment coordinator, actively seek employment, retain employment and pay child support. An employment coordinator determines each individual's employment skills and training needs, and makes appropriate referrals for job training. Court employment coordinators also recruit local employers as referral sources. Participants remain under the supervision of the court for one year. The goal of the program is to increase accountability and employment opportunities for non-custodial parents to help them improve their relationships with their children, and to increase the emotional and financial support available to those children.

The court made 145 referrals to the program during Fiscal Year 2006. Employment coordinators held 460 in-person conferences and another 1200 phone contacts with clients during that period. A total of 113 clients were employed as a result of the program. The program helps collect an average of \$30,000 in child support per month.¹⁰

Nurturing Fathers

A Special Project Grant now supports one program originally initiated with Incentive Funds, the Nurturing Fathers program in Worcester County. This 10-week curriculum cultivates and supports male nurturance in an effort to benefit men, women and children in family relationships. The program was begun as a partnership of the Circuit Court and the Worcester County Health Department. The program is designed to re-engage fathers in the lives of their children. The court refers non-custodial fathers with pending child support or child access cases, although the program is open to all. Program services are offered in Berlin, Snow Hill, Pocomoke and the Worcester County jail on a rotating basis.

Brochures

The Judiciary has developed a series of six (6) brochures on key child support topics. The brochures have been printed and distributed to courts and agency partners, and are available from the Department of Family Administration. During Fall, 2006, those brochures were translated into Spanish, printed and distributed on the website as well.

¹⁰ Circuit Court for Baltimore County, *id.*, p. 27.

Standard 3.4 Treatment of Unrepresented Parties

The Family Divisions endeavor to provide for each person within their jurisdiction equal care and fair treatment, without regard to representational status. To this end, should a party who is not represented wish legal representation, Family Divisions refer them to potential legal representation resources.

A Coordinated Statewide Approach to Assisting the Self-Represented

Family Law Self-Help Centers

Maryland is one of the few states that has adopted a statewide approach to assisting the self-represented. Maryland citizens have universal access to **Family Law Self-Help Centers**. These free, walk-in legal clinics are available in every Circuit Court and are in high demand. During Fiscal Year 2006, these programs served 39,362 individuals.

Family Law Self-Help Centers provide assistance in a variety of case types. They also perform an important function by discussing with litigants whether their case is appropriate for self-representation. Litigants with high conflict custody issues, complex financial issues, or litigants who themselves appear unable to represent themselves effectively are advised to seek the assistance of counsel. Family Law Self-Help Centers make thousands of referrals each year to local lawyer referral programs, and to legal services providers.

Figure 27. Family Law Self-Help Centers - Assistance by Case Type - FY06

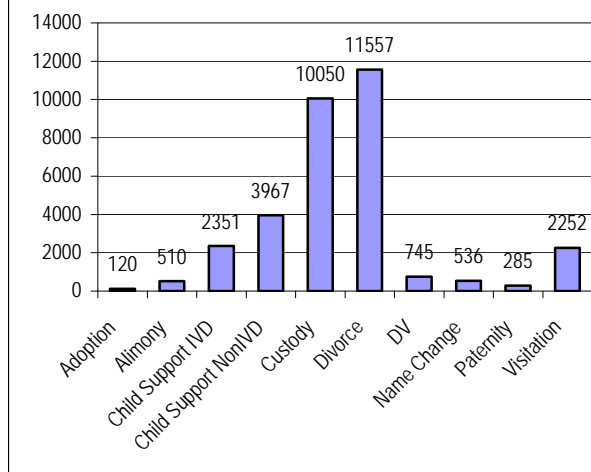
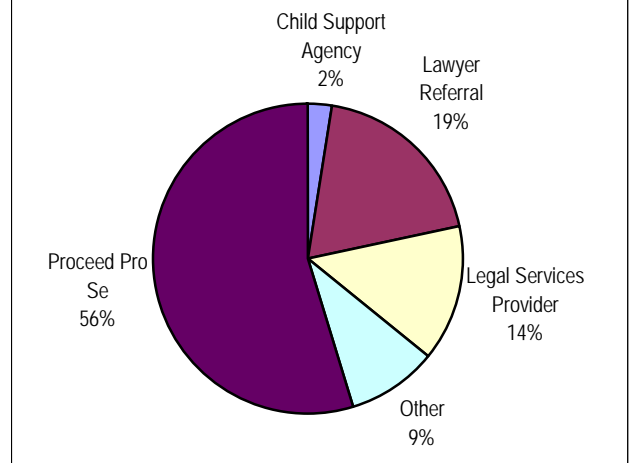


Figure 28. Family Law Self-Help Centers - Referrals and Recommendations Made - FY06



Promoting Quality Self-Help Programs

To aid courts in managing effective self-help programs, the Judiciary has adopted a set of **Best Practices for Programs to Assist Self-Represented Litigants in Family Law Matters**. The document was developed by family support services coordinators, self-help providers and other key stakeholders, and was thoroughly vetted and revised by the Judicial Conference Committee on Family Law before being adopted and endorsed by the Conference of Circuit Judges during Fiscal Year 2005. This technical assistance guide has been printed and distributed to judges, masters, coordinators and self-help providers. It has also been posted on the Judiciary's website.

The Department of Family Administration has also been following up on a number of recommendations that grew out of an assessment conducted of the family law self-help programs under a grant from the State Justice Institute, completed during Fiscal Year 2004.

Statewide Work Group Tackles Planning for Self-Representation

One of the recommendations of that study was that the Judiciary expand some of its services and resources for

the self-represented to other case type. Recently Chief Judge Bell appointed a Work Group on Self-Representation in the Maryland Courts. The group, chaired by Court of Appeals Judge, Clayton Green Jr., will examine how the Judiciary as a whole can respond effectively to the large numbers of self-represented litigants appearing daily in Maryland courts. Among other things, the work group is developing a policy and training materials to aid court staff in distinguishing legal advice from legal information, and will be looking at ways to enhance services to the self-represented.

Forms: A Key Tool for the Self-Represented

The Department of Family Administration continues to maintain the **Domestic Relations Forms** online. These critical tools enable thousands of individuals to file and respond to pleadings and motions, who might not otherwise be able to participate in the family justice system.

The entire body of forms and supporting web pages has also been **translated into Spanish**. These are provided online in a bilingual Spanish/English format with complete instructions in fillable PDF.

The Judiciary plans to extend the accessibility of the forms by translating and creating bilingual versions in several key additional languages.

Telephone Support

To help litigants in using the online forms, the Maryland Administrative Office of the Courts (AOC) provides Special Project Grant funds to the Women's Law Center of Maryland to operate the **Legal Forms Helpline**. Users can call a toll free number to speak with an attorney to get help in completing and filing the Domestic Relations Forms.

To support the new Spanish forms, the Women's Law Center also provides the **Legal Forms Helpline in Spanish**, one half-day per week. Spanish speakers can call and speak with a Spanish-speaking attorney for help with the bilingual forms.

Substantive Legal Information on the Web

The Judiciary has taken an active role in providing support and guidance to the Maryland Legal Assistance Network (MLAN) that operates the **People's Law Library (PLL)**. PLL is a legal content website that provides in-depth information on a broad range of legal topics which has earned a national reputation for excellence. The Judiciary has provided sustaining funding for the project, and plays an active role in the governance of the project. MLAN is housed at and administered by the Legal Aid Bureau of Maryland, in

collaboration with a broad community of legal services providers. Links to PLL and other MLAN resources from the Family Administration web pages and forms pages, enhances the depth of information available to litigants.

Addressing Special Case Management Needs

Many self-represented litigants believe that once they have filed a petition or answer in a case, the hard part is over. Many do not realize that they may be required to take proactive steps to ensure that their case reaches disposition. A number of jurisdictions have adopted the practice of holding **status conferences** in cases involving the self-represented – to see if additional motions need to be filed to ensure the case moves forward. In those instances, self-represented litigants can be referred to the self-help center so they can receive information on how to take next steps. The Circuit Court for Prince George's maintains a **paralegal unit** that reviews *pro se* filings and pleadings to ensure they are legal sufficient.

Other courts have developed specialized forms of alternative dispute resolution to address the needs of the self-represented. The Circuit Court for Baltimore City operates an **in-house mediation program** for self-represented litigants. The Circuit Court for Harford County operates a **settlement conference program** using volunteer attorney facilitators to help the parties resolve cases involving the self-represented.

Understanding the Needs of the Self-Represented

Data Collection Efforts

In order to plan effectively to address the needs of the self-represented, the Department of Family Administration collects and compiles data from every jurisdiction on the **number of individuals appearing without benefit of counsel** at a variety of stages of domestic litigation. In addition, all Family Law Self-Help Centers collect and report on the **demographics of self-represented individuals** using the program. Data accuracy has continued to improve and has demonstrated a level of consistency. The Department of Family administration provides technical assistance regularly to individual jurisdictions to assure data collection in this area and others is accurate.

One key function of the self-help centers is to assist litigants in determining if it is appropriate for them to represent themselves. All self-help centers refer litigants to appropriate legal services or other programs if it is advisable for them to be represented. In Fiscal Year 2006, slightly more than one-half of all program users (56%) were advised that it was appropriate to proceed *pro se*. The rest were advised to seek the assistance of

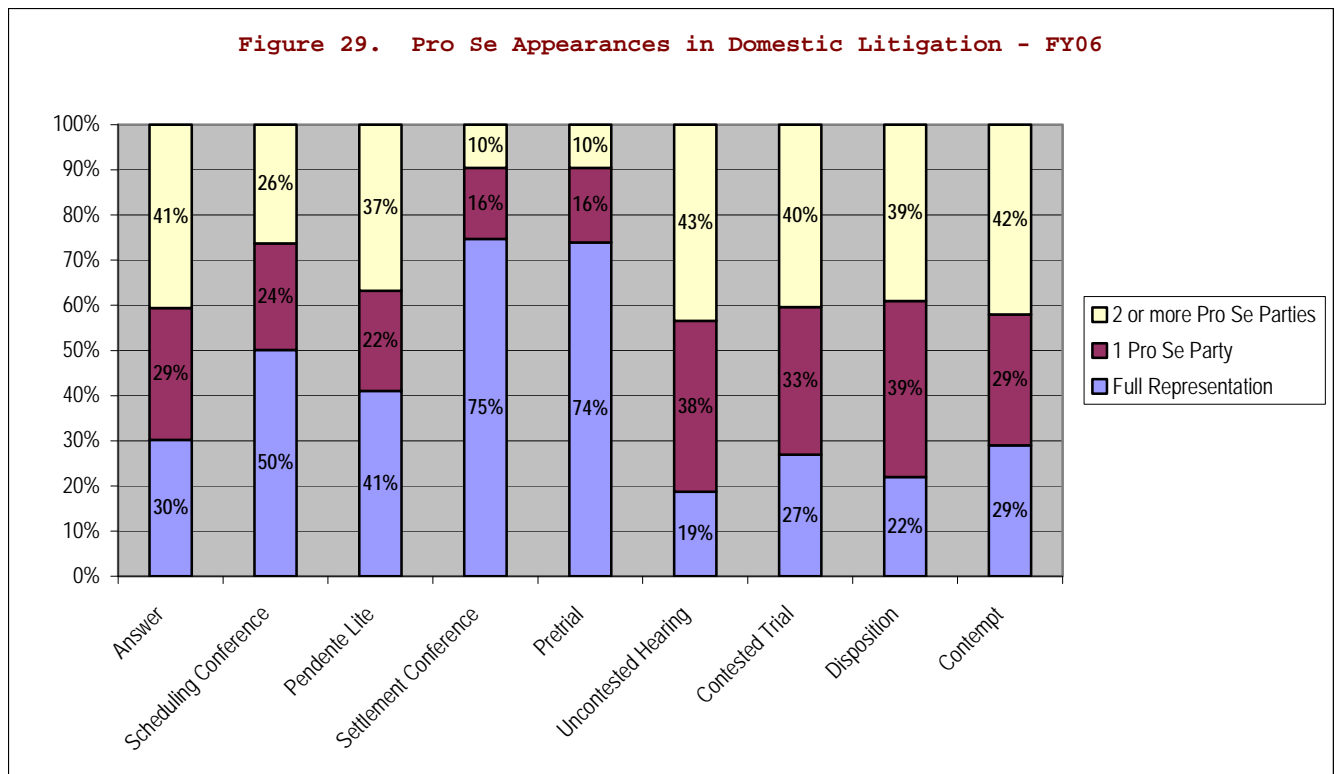
another community-based legal services provider or other program that could assist them.

How Many Individuals are Self-Represented?

In order to get a true picture of the impact of self-representation on the family justice system, the Judiciary looks at *pro se* appearances at a variety of stages of litigation. A court case is not a single, finite event but a series of events that happen over time. Individuals may begin their court case believing they can handle the case themselves but may end up engaging an attorney once it

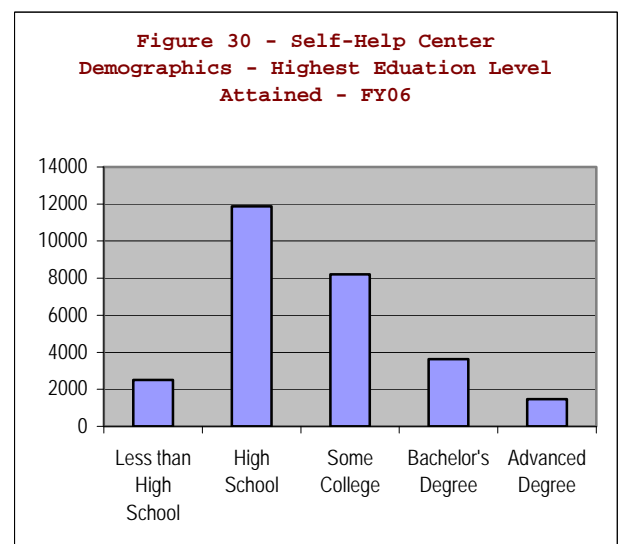
becomes clear that the case is contested or a trial is pending. In other instances, individuals may run out of funds before the case is over and be compelled to discharge their attorney. Data is collected through the Judiciary's information system to track the number of domestic cases that involve one or more self-represented persons at various stages.

The level of self-representation can vary greatly by jurisdiction. In the Circuit Court for Baltimore City, 85% of all cases involved at least one self-represented litigant at the time the Answer was filed, as opposed to 70% statewide.

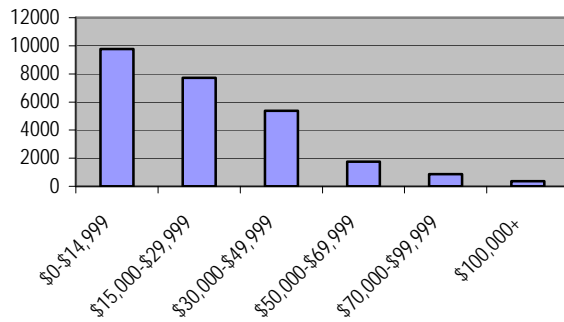


Who is Unrepresented?

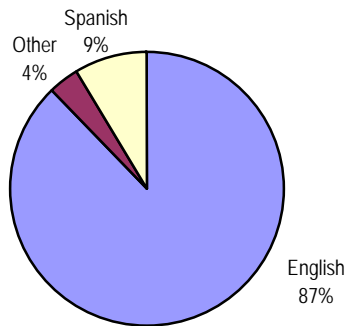
While the Judiciary's information system does not currently permit courts to capture demographics of self-represented litigants, we can get some sense of who is appearing without benefit of counsel by looking at the demographics for Maryland's Family Law Self-Help Centers. Individuals who request assistance from these programs are asked to complete a one-page demographic questionnaire. While there are local variations, the typical self-represented litigant is an African-American female with a high school education and a household income of under \$15,000 per year.



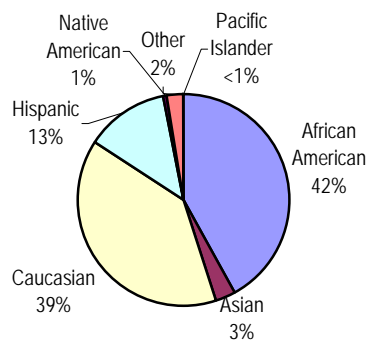
**Figure 31 - Self-Help Center
Demographics - Household Income -
FY06**



**Figure 32 - Self-Help Center
Demographics - Primary Language
- FY06**



**Figure 33. Self-Help Center
Demographics - Self-Identified
Race/Ethnicity**



Independence and Accountability

Adhering to values of independence and accountability ensures that a system of justice will retain the respect and confidence of those who come before it. The Judiciary regularly evaluates its performance to ensure accountability of the family justice system.

Standard 4.1 Performance Issues

The Family Divisions conduct regular reviews of their performance to assist with the responsibility to manage effectively, to participate actively in long range planning, to identify and pursue needed resources, and to account publicly for performance.

Annual Evaluation Cycle

Maryland Circuit Court Family Divisions are subject to a series of regular evaluation protocols. Each Family Division or Family Services Program submits **quarterly financial and program reports** to the Department of Family Administration at the Administrative Office of the Courts. This information is used to measure financial accountability and ensure programs are on track. Program data is compiled annually and incorporated into this **annual report**.

- ❖ A Litigant Satisfaction Survey
- ❖ An Attorney Satisfaction Survey
- ❖ A Co-Parenting Course Exit Survey
- ❖ A Self-Help Center Exit Survey

The Department of Family Administration mailed surveys to litigants whose cases closed during the month of December, 2005, and to their attorneys. Co-parenting and Self-Help Center exit surveys were distributed and collected by those programs during the month of March, 2006. Initial results are pending publication in *Family Matters*. The department hopes to analyze the data in more detail to glean additional insights about court and program performance.

Periodic Audit

All jurisdictional and Special Project grantees are subject to periodic audits and management reviews upon request of the Department of Family Administration.

Guidelines and Best Practices

The Judiciary has developed and/or adopted guidelines in several areas, some of which are referred to in the Maryland Rules.

Performance Standards and Measures

The Judiciary adopted a set of *Performance Standards and Measures for Maryland's Family Divisions* in 2002. These standards serve as the measure by which evaluations and site visits are conducted. They provide guidance to all jurisdictions in developing long-range plans and establishing priorities for future development.

Attorney Guidelines for CINA/TPR Cases

The *Guidelines of Advocacy for Attorneys Representing Children in CINA and Related TPR and Adoption Proceedings* took effect July, 2001. Developed by the FCCIP Representation Subcommittee, the document provides comprehensive guidance for how children are to be represented in these cases, from an initial meeting to the final disposition of the case. All vendors under contract with the Maryland Legal Services Program of the Department of Human Resources, the entity that provides for child representation in such matters, must abide by the *Guidelines*.

Family Division Evaluation Tools

During Fiscal Year 2006, the Department of Family Administration distributed and compiled data from four survey instruments. The surveys and an assessment tool were developed with funding from a State Justice Institute technical assistance grant and included four tools:

Guidelines for Child Counsel in Custody Cases

During Fiscal Year 2005, the Judicial Conference, Committee on Family Law, Custody Subcommittee, under the leadership of its then-chair, the Honorable Marcella Holland, Circuit Court for Baltimore City, developed a similar document intended to guide attorneys in providing effective representation to children in custody cases. The Conference of Circuit Judges approved the document which has been reviewed and modified by the Standing Committee on Rules of Practice and Procedure. The *Maryland Guidelines of Practice for Court-Appointed Lawyers Representing Children in Custody and Child Access Cases* were developed with three goals in mind: 1) to improve the quality and availability of representation for children in custody cases; 2) to promote consistency of practice and terminology around the State; and 3) to provide a uniform set of standards for attorneys in these cases.

The guidelines are currently being considered by the Court of Appeals for possible inclusion in the *Maryland Rules*.

Family Court ADR Program Best Practices

The Judiciary has also developed a set of best practices for family court-based alternative dispute resolution programs.

Best Practices for Programs to Assist Self-Represented Litigants

A second best practices document, intended to provide guidance to courts in managing the Family Law Self-Help Centers was likewise adopted during Fiscal Year 2005.

Both the *Best Practices for Family Court ADR Programs* and the *Best Practices for Programs to Assist Self-Represented Litigants in Family Law Matters* have been printed and distributed to judges, masters, coordinators, service providers and others.

Quality Assurance for Mediators and Mediation Programs

During Fiscal Year 2006, the Department of Family Administration continued to participate with the Maryland Mediation and Conflict Resolution Office (MACRO) on the development of a statewide program of quality assurance for Maryland mediators and mediation programs. The *Maryland Program for Mediator Excellence (MPME)* will eventually include mediator standards, a mentoring program, grievance procedures, a statewide ombudsman program, training standards, mediator performance-based certification as well as a protocol for evaluating individual mediators and mediator programs. Several components of MPME were launched during Summer, 2006, and MACRO has begun accepting membership applications from Maryland practitioners. MPME will become the primary mechanism through which court mediation managers ensure quality assurance for court-based mediation programs.

Foster Care Assessments

During Fiscal Year 2006 the Judiciary's Foster Care Court Improvement Project (FCCIP) continued its efforts to monitor the court's compliance with the Adoption and Safe Families Act and Title IV-E of the Social Security Act. FCCIP continued to conduct trainings and site visits to monitor compliance and recently completed an in-depth case file review and series of site visits of all 24 jurisdictions. As detailed above, FCCIP has been involved in a number of activities that were part of the state's Performance Improvement Plan (PIP) adopted after the last federal Child and Family Services Review (CFSR).

Standard 4.2 Information Sharing

The Family Divisions endeavor to share information about their effective case management and processing practices within each jurisdiction, which practices may then be replicated.

Regular Opportunities to Exchange Information

The Department of Family Administration creates regular opportunities for family court professionals to gather to exchange information and share new ideas. The Department continues to host **quarterly meetings for family support services coordinators, Family Division administrators, and permanency planning liaisons**. Meetings generally include in-service trainings, updates on legislation and case law, and highlights of new promising practices.

Many jurisdictions have followed suit and host **regular in-service trainings** for court staff and program providers. The Circuit Court for Carroll County's family division administrator, for example, hosts a monthly breakfast meeting for mediators. Harford County's Office of Family Court Services has a regular program of training for its evaluators and dispute resolution professionals. They also host an annual family law seminar for attorneys and family law stakeholders.

Conferences and Trainings

The Judiciary continues to host seminars and conferences on key family law topics. In Fiscal Year 2006, in addition to the annual **CAN DO conference**, the Judiciary sponsored a **40-hour basic mediation course** and a **20-hour child access mediation course for court professionals**.

Individual jurisdictions have likewise taken the lead in producing seminars and conferences. The Circuit Court for Anne Arundel, Family Division, regularly organizes **Learning Lunches** for the bench. Those events include presentations by Family Division staff or local clinical or legal professionals on key family topics. They provide an opportunity for members of the bench to hear from and interact with other professionals serving families.

Many courts regularly hold events where service providers can exchange information and update their knowledge. The Circuit Court for Anne Arundel County hosts a **clinical lecture series for custody evaluators**. Local mental health practitioners are invited to speak to the court's clinical professionals.

The Eastern Shore counties hosted their fourth annual **regional family court conference**. The event was planned and sponsored by family support services coordinators from Caroline, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico and Worcester counties. The October, 2005, event, was primarily for attorneys and focused on representing children in custody cases. That event was held at the Eastern Shore Hospital in Cambridge, Maryland.

Effective Interagency Information Sharing

A number of courts have improved collaboration with agencies serving families and children by having a **liaison** from such agencies housed at the court. For example, in March 2006, the Circuit Court for Harford County hired a former Child Protective Services worker to serve the court as a DSS Liaison. The worker interviews parties in custody cases when there have been allegations of abuse or neglect. The liaison consults with the local department of social services to determine the status of any ongoing investigation, refers the parties for services, if appropriate, and conducts emergency investigations when required. That court also routinely checks the state's **sex offender registry** and other sources of information to ensure the court has complete information in making custody decisions.

Finally, the new **Casesearch** feature of the Judiciary website and the planned **statewide domestic violence database** will greatly enhance the ability of courts to conduct related case searches across the State. It also improves the ability of other agencies to obtain public case information.

Standard 4.3 Fair and Efficient Forum for Dispute Resolution

The Family Divisions are fair and efficient forums for the resolution of family disputes. They endeavor to engage in uniform practices, including dispute resolution, fee collection, forms, access to services, appropriate data base linkages, information sharing and case management practices.

Family Divisions and Family Services Programs best exhibit a “fair and efficient forum” when they play the role of “problem-solving courts.” Circuit Courts no longer evaluate their performance solely on their ability to “move cases,” but are able to balance their case management responsibilities with the need to ensure that the individuals involved in the process are empowered and given the opportunity to make decisions themselves, when possible.

How Effective are Court-based Mediation Programs?

Maryland courts have each developed their own instruments for evaluating court-based dispute resolution programs. Under MACRO’s MPME program, courts will eventually participate in a statewide evaluation protocol.

Until that time, the Department of Family Administration depends on grant reporting from individual jurisdictions through which courts report on the success rate of their mediation programs. Courts report that in cases where at least 1 mediation session was held, child access mediation cases resulted in an agreement 42% of the time; marital property mediation resulted in agreement 35% of the time. This data is somewhat questionable and the collection format has been changed for Fiscal Year 2007. Most individual courts report much higher rates of success for mediation programs. For example, Baltimore County reports a 62% settlement rate in child access cases; Talbot County reports that 50% of all family mediation cases result in a complete settlement.

Promoting Conflict Resolution Skills for Court Professionals as Well as Litigants

Co-parenting Courses Set the Stage for ADR

Sometimes parents themselves have to be given permission to reclaim the decision-making process for themselves. During co-parenting education, parents discuss ways to ensure that their decision-making remains child-focused. Parents are oriented to the mediation process and taught what to expect and how to get the most from the process.

Mediation Training for Judges, Court Professionals

Each year the Department of Family Administration offers 60 hours of mediation skills training to judges, masters, coordinators and other family court professionals. The courses are offered to give those individuals an opportunity to develop their conflict resolution skills, improve their neutrality, and help them better understand and make better referrals for mediation and other forms of ADR.

New Forms of ADR

A number of Maryland courts have been experimenting with new variants of alternative dispute resolution (ADR) – each built to address a specific type of case or problem. For example, the Circuit Court for Montgomery County has begun using **mediation in post-judgment (contempt) cases**. A single session of mediation is offered to try to resolve the issues upon which contempt is alleged. These cases have proven more difficult to reach agreement upon than the original custody cases, but the use of ADR can help high conflict cases avoid additional litigation. Montgomery County reports that during Fiscal Year 2006, 55% of post-judgment cases mediated resulted in a full or partial settlement.

The Circuit Court for Baltimore County launched a new dispute resolution program specifically for those types of high conflict families. **Child access evaluation conferences** are held by mediation staff in cases where there are concerns about one or both parties’ ability to parent. In these conferences, the evaluating social worker presents his or her findings; a staff mediator facilitates the conference and attempts to aid the parties to resolve the issue, with the benefit of the information from the evaluator’s report. While only 15 conferences had been held by the end of the fiscal year, 67% had resulted in full agreements.

Standard 4.4 Safety and Security

The Family Divisions aspire to provide a safe and secure environment for system users and personnel. Sufficient resources must be committed to ensure adequate safety and security for vulnerable persons, including victims of domestic violence and of child abuse and neglect.

All jurisdictions and Special Project Grantees are charged with providing services in a physical environment that promotes the safety and security of all participants.

Physical Accommodations

Many jurisdictions have been able to build **secure locations for Family Division staff**. As the Family Divisions and Family Services Programs have matured, local governments who are responsible for courthouse facilities, have been able to plan for and accommodate

Twelve jurisdictions have identified **specialized family or child-friendly waiting areas**. While not secure spaces, these spaces can make it easier for families to care for children while at the courthouse and reduce the likelihood of exposing children to conflict or lack of supervision. The Circuit Court for Baltimore City has been able to provide full-time, trained staff to run a child waiting room where parents can drop children off when they have to be in court. The staff follow special procedures to protect the children in their care and ensure they are only released to authorized persons.

In providing some services, courts and their contractual vendors must often pay attention to the **specialized needs of those services and the persons who use them**. For example, family visitation centers often provide separate entrances or waiting areas for custodial and non-custodial parents, or they may require visiting parents to arrive after the custodial parent has dropped the child off for the visit,

to minimize the potential for contact and conflict between parents.

Safety Planning and Training

Some courts have made a special effort to plan effectively for safety and security issues. Others have been able to take advantage of specialized training to enhance the ability of staff to respond to emergencies. The Circuit Court for Cecil County has appointed a **courthouse safety committee**. The Circuit Court for Prince George's County organized **security training** for all employees while staff of the Circuit Court for St. Mary's County were offered **CPR and defibrillator** training.

Screening for Family Violence Issues

Courts must pay attention not only to the safety concerns of physical accommodations; they must also ensure that the processes they require litigants to follow enhance their safety as well. As aforementioned, the Judiciary has developed protocols and tools to help courts better screen cases to identify family violence issues. When those issues have been identified, the court can take steps to safeguard family members by, for example, not sending the family to mediation. Mediation is often contraindicated for families with a history of violence. The court may want to refrain from ordering the parties to be present at the same location, unless it is for a court hearing.

Standard 4.5 Uniform Qualifications

Each Family Division operates in a predictable and uniform manner with respect to uniform staffing needs, job qualifications, and clearly articulated job descriptions. A uniform training module for family division judges, masters and staff is utilized for all new personnel of the Family Divisions.

The Department of Family Divisions has worked with all jurisdictions to shepherd a relatively uniform structure for Family Divisions and Family Services Programs statewide. Some of these efforts have been reinforced by statutory and funding changes that permitted the conversion of certain positions within Family Divisions to come under state control.

State Control Promotes Consistency

Within the last five years, statutory changes have created state positions for all new **masters** and **law clerks**. These positions, formerly local government positions, are now fully funded by the State and all new hires are State employees. This has permitted the Judiciary to develop uniform job descriptions for these positions and impose a uniform salary structure.

Shepherding Uniformity for Local Government Positions

Many administrative court functions including court administrators, family division administrators, family support services coordinators, drug court and other specialty court coordinators, and permanency planning liaisons remain local government employees. The Department of Family Administration has used its leverage as a grantor to promote uniformity across the State in how family support services coordinators and other key family positions are utilized and compensated. The Department approves all Family Division budgets and has provided administrative judges with recommended job descriptions and qualifications for key positions.

Public Trust and Confidence

Efforts made to improve the family justice system reinforce the court's effectiveness by improving the public's trust in the judicial process. The orders the court promulgates are only as powerful as the authority with which the public vests them. Ultimately, court interventions are effective because individuals have confidence in the courts. If the public perceives that the family justice system is fair and equitable, they willingly enter into the social convention that reinforces the validity of the decisions that result from that process. Basically, they agree to submit to those orders. This is the fragile foundation of any civil justice system. It must be carefully cultivated and maintained.

Standard 5.1 A Therapeutic, Holistic, Ecological Approach to Family Law Decision-making

The approach of Maryland's Family Divisions to family law decision-making is therapeutic, holistic and ecological in its perspective.

Owning the Decision

If It's Yours, It Can't Be Wrong

Maryland's Circuit Court Family Divisions and Family Services Programs educate the parties in family cases, and provide parties with multiple opportunities to reach a settlement without going to trial. A key value of the State's family justice system is the recognition that parents are ultimately the best decision-makers for themselves and their children. They are more knowledgeable about their children's needs and their family's particular situation. By making decisions themselves, the parties maintain ownership of that decision – they are more committed to it and more invested in its success or failure. They are more likely to feel that the “right” decision was made, even if that

decision required them to compromise or sacrifice one of their own objectives.

Courts make extensive use of alternative dispute resolution techniques. Maryland citizens can avail themselves of child access mediation, marital property mediation, CINA/TPR mediation, facilitation, settlement conferences, and parenting coordination.

A Therapeutic Focus

Does It Help or Hinder?

As courts have come to emphasize family court reform, they have come to acknowledge that they are at a critical nexus – they see families in crisis and are in a unique position to identify that family's needs and connect them with much-needed services. Maryland courts make

referrals for a broad range of treatment – including individual and family therapy, other types of mental health treatment, substance abuse treatment, medical care, and other services. Family support services coordinators in each jurisdiction have identified appropriate community-based resources to provide these services. Coordinators play key roles on Local Management Boards and other multi-disciplinary groups that identify

service gaps and cultivate new resources when necessary. The court has, in most jurisdictions, come to be seen as a critical partner in the social services network.

Courts have also recrafted case management procedures to enhance therapeutic services, and to minimize the trauma families are subjected to when they enter the judicial system.

Standard 5.2 Fairness, Courtesy and Civility

The Family Divisions provide a forum for litigants that is fair, courteous and staffed by personnel who conduct themselves according to established standards of civility.

Promoting Professionalism

The Judiciary regularly offers **courses in customer service** through its Human Resources Training Department. Customer service topics are often featured at in-service trainings and conferences as well.

Many of the **best practices documents** and **attorney guidelines** adopted by the Judiciary address customer service issues for court professionals and attorneys working in Maryland's family justice system.

Recently the Work Group on Self-Representation in the Maryland Courts began work on a set of guidelines to aid court staff in distinguishing **legal advice from legal information**. The Judiciary hopes to develop a policy that will guide court staff in responding to the public so

that they can provide as much assistance to the self-represented as possible, within ethical bounds. It is hoped that by adopting a clear policy court staff will feel comfortable and will be able to provide more assistance to the public since they will know exactly what is permitted.

Measuring Civility and Professionalism

Litigant Satisfaction Survey and an Attorney Satisfaction Survey were used during Fiscal Year 2006 to measure the perception of those key groups on how they are treated by Judiciary staff. Over a thousand responses were received as a part of each of the two surveys. Results were largely positive and areas were identified for additional improvement.

Standard 5.3 Visible Presence in the Community

The Family Divisions must be a visible presence in the courthouse and the community.

Maryland Circuit Court Family Divisions and Family Services Programs have made great efforts to establish their visible presence in the community. The success of Family Divisions depends, in part, on how well the court is integrated into and networked with the community.

Highlights and Examples

Family support services coordinators and family division administrators serve as **liaisons for the court with various community-based organizations and other agencies serving families and children**. For example, the coordinator for the Circuit Court for Worcester County serves on the following boards and committees:

- ❖ Worcester Co. Local Management Board
- ❖ Worcester Co. Domestic Violence Coalition
- ❖ Worcester Co. Multi-disciplinary Team
- ❖ Worcester Co. Citizens Review Panel

- ❖ Worcester Family Connections Advisory Board
- ❖ Worcester Co. Mental Health Advisory Board
- ❖ Worcester Co. Local Pro Bono Committee
- ❖ Lower Shore CASA Advisory Committee
- ❖ Juvenile Drug Court Training Team
- ❖ Juvenile Coordinating Council

Children who have been involved with the foster care system in Queen Anne's County are invited two times a year to special family fun events sponsored by the Circuit Court. In August, 2005, the **court hosted a picnic on Kent Island and boat ride for children and their foster families**. A **holiday meal and activities** are provided each year in December.

The Office of Family Court Services (OFCS) at the Circuit Court for Harford County sponsors a **speakers' bureau** that participates in and sponsors local conferences. They also publish a **newsletter**, *Families are Forever*, to provide community awareness of ADR

options and various services, and host an annual **family law seminar**.

Publications and Web Presence

Courts provide information to the public about available resources and programs by offering brochures, publications and information on the Internet.

Family Administration Website

The Department of Family Administration at the AOC maintains a website with information on court services, publications, contact information, links to individual court sites, MLAN and the People's Law Library, and to the Domestic Relations Forms.

Publications

The Judiciary distributes several **child support brochures**. The Judiciary's activity book for children, *My Day at Court*, is still in high demand and is in its third

printing of 20,000. The Circuit Court for St. Mary's County distributes copies of the book, along with crayons, to all children involved in a family case.

Reaching Out to the Hispanic Community

The Domestic Relations Forms have been released in a **Spanish-English bilingual format**. To promote the use of the forms and the **Spanish web pages**, the Judiciary funds a **Spanish Forms Helpline** where users can call to speak with an attorney in Spanish. This year, the Judiciary translated and distributed **six child support brochures into Spanish**. The brochures were distributed to courts in early 2007 and have been posted in Spanish and English on the inter.

The Department of Family Administration, through its Special Project Grants Program, funds the **Latino Legal Access Project**, a legal services program that serves Spanish speakers in Prince George's County.

KEEPING FAMILY COURT REFORM IN THE FOREFRONT

MARYLAND COURTS HAVE KEPT A FOCUS ON FAMILY COURT REFORM WHILE SIMULTANEOUSLY EXPLORING NEW COURT INNOVATIONS THAT CAN IMPROVE THE EXPERIENCE OF FAMILIES AND CHILDREN. As the programs and specialized approaches to family cases have become more universally accessible across the state, the Judiciary has been able to turn its attention to services, specialty courts and other innovations with benefits for families. Courts continue to examine their performance and reevaluate their approach to ensure these reforms are reflected in the individual experience of each family and each child that comes before the courts.